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Floor Debate
March 09, 2011

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SPEAKER FLOOD PRESIDING

SPEAKER FLOOD: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the forty-third day of the One Hundred Second Legislature, First Session. Our chaplain for today is Senator Harms. Please rise.

SENATOR HARMS: (Prayer offered.)

SPEAKER FLOOD: Thank you, Senator Harms. I call to order the forty-third day of the One Hundred Second Legislature, First Session. Senators, please record your presence. Record please, Mr. Clerk.

CLERK: I have a quorum present, Mr. President.

SPEAKER FLOOD: (Gavel) Thank you, Mr. Clerk. Are there any corrections for the Journal?

CLERK: I have no corrections, Mr. President.

SPEAKER FLOOD: Are there any messages, reports, or announcements?

CLERK: I have a motion to withdraw LB16. That will be laid over, that's offered by Senator Wightman. Hearing notice from the Redistricting Committee, signed by Senator

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Langemeier. And priority bill designation: Senator B. Harr, LB387; Senator Brasch, LB690; Senator Coash, LB100; Senator Larson, LB229; and Senator Wightman, LB388. That's all that I have, Mr. President. (Legislative Journal pages 791-792.) [LB16 LB387 LB690 LB100 LB229 LB388]

SPEAKER FLOOD: Thank you, Mr. Clerk. Members, please find your seats in advance of Final Reading. Unauthorized personnel please leave the floor. Members, please find your seats for Final Reading. Mr. Clerk,...would senators please return to their seats. Mr. Clerk, the first bill this morning is LB81. [LB81]

CLERK: (Read LB81 on Final Reading.) [LB81]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB81 pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB81]

CLERK: (Record vote read, Legislative Journal pages 792-793.) 37 ayes, 4 nays, 2 present and not voting, 6 excused and not voting, Mr. President. [LB81]

SPEAKER FLOOD: LB81 passes with the emergency clause attached. Mr. Clerk, we now proceed to LB333. The first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB81 LB333]

CLERK: 37 ayes, 1 nay to dispense with the at-large reading, Mr. President. [LB333]

SPEAKER FLOOD: The at-large reading is dispensed with. Please read the title. [LB333]

CLERK: (Read title of LB333.) [LB333]

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SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB333 pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Record please, Mr. Clerk. [LB333]

CLERK: (Record vote read, Legislative Journal pages 793-794.) 44 ayes, 0 nays, 5 excused and not voting. [LB333]

SPEAKER FLOOD: Members, we are to stay in our seats during Final Reading. LB333 passes with the emergency clause attached. While the Legislature is in session and...I release the Final Reading call. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR88, LR89, LR90, LR91, LR92, LR93, LB81 and LB333. We now proceed, Mr. Clerk, to Select File, LB27. [LB333 LR88 LR89 LR90 LR91 LR92 LR93 LB81 LB27]

CLERK: Mr. President, with respect to LB27, Senator Larson, I have no amendments to the bill. [LB27]

SPEAKER FLOOD: Senator Larson, you're recognized for a motion. [LB27]

SENATOR LARSON: Mr. President, I move that LB27 be advanced to E&R for engrossing. [LB27]

SPEAKER FLOOD: Members, you've heard the motion. All those in favor say aye. Those opposed say nay. LB27 advances to E&R for engrossing. Mr. Clerk, LB32. [LB27 LB32]

CLERK: LB32, Senator, I have no amendments to the bill. [LB32]

SPEAKER FLOOD: Senator Tyson Larson for a motion. [LB32]

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SENATOR LARSON: Mr. President, I move that LB32 be advanced to E&R for engrossing. [LB32]

SPEAKER FLOOD: Members, you've heard the motion. All those in favor say aye. Those opposed say nay. LB32 advances to E&R for engrossing. Mr. Clerk, LB31. [LB32 LB31]

CLERK: Senator, I have Enrollment and Review amendments pending. (ER38, Legislative Journal page 648.) [LB31]

SPEAKER FLOOD: Senator Larson for a motion. [LB31]

SENATOR LARSON: Mr. President, I move that the E&R amendments to LB31 be adopted. [LB31]

SPEAKER FLOOD: Members, you're heard the motion. (Gavel) All those in favor vote aye or say aye, say aye. Those opposed say nay. The E&R amendments are adopted. Mr. Clerk. [LB31]

CLERK: I have nothing further on that bill, Senator. [LB31]

SPEAKER FLOOD: Senator Larson for a motion. [LB31]

SENATOR LARSON: Mr. President, I move that the E&R...move that LB31 be advanced to E&R for engrossing. [LB31]

SPEAKER FLOOD: Members, you've heard the motion. The question is, shall LB31 be advanced to E&R for engrossing? All those in favor say aye. Those opposed say nay. LB31 is advanced to E&R for engrossing. Mr. Clerk, LB165. [LB31 LB165]

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CLERK: LB165, Senator, I have Enrollment and Review amendments pending. (ER39, Legislative Journal page 673.) [LB165]

SPEAKER FLOOD: Senator Larson for a motion. [LB165]

SENATOR LARSON: Mr. President, I move that the E&R amendments to LB165 be adopted. [LB165]

SPEAKER FLOOD: Members, you've heard the motion. All those in favor say aye. Those opposed say nay. The E&R amendments are adopted. [LB165]

CLERK: Mr. President, Senator Pahls has AM520. I might indicated, Mr. President, Senator Pahls is excused until he arrives. [LB165]

SPEAKER FLOOD: Senator Pahls excused absence is acknowledged. Is there any member authorized to take up Senator Pahls's amendment? Seeing no member coming forward at this time, Senator Pahls's amendment will be withdrawn by the Chair. Mr. Clerk, please proceed. [LB165]

CLERK: I have nothing further on the bill, Senator. [LB165]

SPEAKER FLOOD: Senator Larson for a motion. [LB165]

SENATOR LARSON: Mr. President, I move that LB165 be advanced to E&R for engrossing. [LB165]

SPEAKER FLOOD: Members, you've heard the motion. All those in favor say aye. Those opposed say nay. LB165 is advanced to E&R for engrossing. Mr. Clerk, we now proceed to LB421. [LB165 LB421]

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CLERK: LB421, Mr. President, a bill by Senator Pankonin. (Read title.) The bill was introduced on January 14, at that time referred to Natural Resources, advanced to General File. There are Natural Resources Committee amendments. Senator Pankonin presented his bill yesterday, Mr. President, Senator Langemeier opened on the committee amendments as well. (AM228, Legislative Journal page 544.) [LB421]

SPEAKER FLOOD: Senator Pankonin, you are given 2 minutes to update the body as to LB421. [LB421]

SENATOR PANKONIN: Good morning, Mr. President and members. Yesterday I opened on LB421, my priority bill for the 2011 legislative session. The bill would increase the Nebraska Game and Parks Commission's annual park entry permit fees. The increases would become effective on January 1, 2012. I mentioned that I had three primary reasons for introducing LB421 this year. First, Nebraska has more than 80 state park facilities. About 9 million visits to the state park system are recorded every year. Our state parks are an asset that most Nebraskans enjoy very much. They also make a positive impact on our state's economy. Tourism is the third largest industry in Nebraska. Fifteen of the state parks are among the 25 top tourism attractions in this state. Next, increased costs and reduced revenue may increase the deferred maintenance in our state parks to the point that some of them maybe have to be closed to protect the public from unsafe or unsanitary conditions. Game and Parks currently has about \$34 million in deferred maintenance cost. The fee increases proposed in LB421 cannot eliminate this deficit, but they can slow the deficit's growth and allow park employees to address the most urgent maintenance needs. Nebraska state parks are supported primarily by a user-based funding system. Approximately 70 percent of the operating and maintenance budgets for our parks comes from fees, not taxes, paid by the people who use the parks. Only about 30 percent of the park system's budget comes from the General Fund, and this percentage has been declining for years. Like the rest of state government, the Game and Parks Commission has cut its budget, in part, by privatizing some services and reducing park staff from 216 employees to 179

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since 2008. At the same time, the commission has faced deadly increasing costs for equipment, materials, contracts, and fuel. Operating and maintenance services have been reduced in as many ways as possible, so the failure to approve increases in the park user fees may result in reduced operating hours and the possible closure of some facilities. Finally, the current \$20 park entry permit fee per car per calendar year has not been increased for five years. Nebraska's fee is the lowest priced park entry permit fee among all the states that employ a user-based system to help fund their parks. One of my handouts yesterday showed you that the trendline for the consumer price index from the time the park fee started in 1978 would put us at \$25.33 now, we're currently at \$20. The four handouts I provided further clarify my belief that it is time to support the park permit entry fee increases proposed in LB421. I appreciated the positive comments about LB421 from Senators Langemeier, Lautenbaugh, Harms, Wallman, Hadley, Schilz, McCoy, Council, Fischer, and Senator Ken Haar yesterday. Thank you for your support as we continue discussion this morning. [LB421]

SENATOR GLOOR PRESIDING

SENATOR GLOOR: Thank you, Senator Pankonin. Senator Langemeier, as Chairman of the Natural Resources Committee, you have 2 minutes to review AM228. [LB421]

SENATOR LANGEMEIER: Thank you, Mr. President. AM228 is very simple and its design is to...currently, law requires that the park sticker be on the right side of the window, however, our inspection booths going into our parks are on the left side of the vehicle. So we would like AM228 to move that sticker over the left side so those employees cannot have to leave those and walk around your car to inspect whether you have a proper sticker or not. And so we'd ask that you adopt AM228. And, again, I'm in strong support for LB421. Thank you, Mr. President. [LB421]

SENATOR GLOOR: Thank you, Senator Langemeier. Members, we now move to discussion. Senator Hansen, you are recognized. [LB421]

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SENATOR HANSEN: Thank you, Mr. President and members of the Legislature. I stand in full support of AM228. Makes sense that you move a sticker to the side where the inspector looks at it. I do have some questions and I do have some comments, especially on the rise of the park sticker. We're in a situation now in Nebraska where we have about the way I counted was 84 state parks--the literature that Senator Pankonin handed out said 85, but it doesn't matter, right in that area--scattered all over the state. And they're, for the most part, they're well taken care of. They're either well taken care of by the Game and Parks or a local community, a local rotary club, local Sertoma club, a local 4-H club. They've pitched in and they've tried to help and they've cleaned up these...the parking lots and they pick up the trash where people can't quite hit the trash bucket, but they're well maintained and they're certainly...I'm very proud of our state parks system. Go to many of them, drive by a lot of them, too, that...and I observe what shape they're in. They're really good. I look at the committee statement that came out on LB421, and it came out of the committee eight to zero, and then at the day of the hearing there were nine proponents and absolutely no opponents. Well, I rise today to at least alert the senators on the floor if we pass this, there is going to be some push back. And there's going to be some push back of any fee increase this year all the way from the administration to the regular guy on the street that's having a hard time this year. Gas prices are expected...a dealer told me the other day that gas prices are going to be \$4 a gallon by the end of this month and probably continue up. This 25 percent increase in a park fee is going to amount to something for some of the people. They were having a hard time making ends meet now, and that \$5 increase I agree is not very much but to some people it's going to be perceived as a huge increase in park fees at 25 percent. We've talked about this before. Game and Parks has come to us before wanting to a fee increase. Looking back, hindsight is always pretty good, we probably should have increased it a couple of bucks two years ago, and then a \$3 fee increase this year. We need to stay up with other states, I agree, but when we're talking about Nebraska policy, I think Nebraska is the only policy we should be talking about, not necessarily compared to other states. We talked yesterday on the floor about people

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can drive across the border, can drive across the Missouri, drive across to Iowa and get into a park either...at a low rate. That's not the point. We have 85 parks here in the state of Nebraska that we enjoy, everybody enjoys them. I Googled the state parks and found out the name of every one of them in all the senators' districts. I don't think there's a senator here that doesn't have a state park in their district. So of course we stand up and we support the park system, but it's just the question of can we put that much increase of 25 percent...doesn't matter how you say it, it's still a 25 percent increase even though the CPI says we should be at \$25.33. We're staying up with inflation but sometimes we can't do that if we're in government. I also googled a word that I'd heard but I'd never seen it on the Internet and it's staycations. What is a staycation? This staycation is where you stay in the state and you go to places that are fun to go to. [LB421]

SENATOR GLOOR: One minute, Senator. [LB421]

SENATOR HANSEN: Thank you. They're fun to go to and they're fun to participate in. Staycations are going to be had this year in Nebraska when it warms up in state parks. State parks are going to become more and more populated, especially with the fee we have now. Staying in the state in lieu of an interstate vacation is my definition of a staycation. Why do we have staycations? High prices and a national recession. The national recession is not really giving up easily. What do you do on a staycation? Well, you can go canoeing, tubing, tanking, camping, hiking, waterskiing, biking, swimming, bird watching, fishing, running, boating, air boating, noodling, golfing, trapshooting, and the list goes on and on. Our state parks are extremely important, they really are. Don't be surprised if we pass this bill that you're going to get some push back from your constituents. Try to... [LB421]

SENATOR GLOOR: Time, Senator. [LB421]

SENATOR HANSEN: Thank you very much. [LB421]

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SENATOR GLOOR: Thank you, Senator Hansen. Senators wishing to be heard are: Sullivan, Krist, Howard, Christensen, Bloomfield, and Pankonin. Senator Sullivan.
[LB421]

SENATOR SULLIVAN: Thank you, Mr. President. And good morning, colleagues. The very first time that I spoke at this microphone two years ago in this body I rose in support of increasing the park fees. By the time I got back to my office after we adjourned for the morning, I had a number of phone calls criticizing me on that action. I rise, again, today in support of increasing park fees and I fully expect that I will get some phone calls from constituents criticizing me for that. But the fact remains that I love our state parks. I also admit that I'm not a heavy user of our state parks, but I dutifully buy my season-long park permit every year at Fort Hartsuff, which is one of the historical parks in District 41, because I believe in our state parks and I want to help maintain them. So, and even though as Senator Hansen said, Nebraskans are going to be enjoying some staycations and they're probably going to be using our state parks even more and probably won't like that increase, the reality is we need to keep our state parks in good repair. Now that being said, you'll see on General File I have LB207 which allows the Game and Parks to convey to Sherman County board a state recreation area. The Sherman County board and the people of Loup City wanted that. They are prepared to take on the financial responsibility of doing that and I applaud them for that, because they're not only willing to shoulder some responsibility but then also they're going to have to perhaps pay the brunt of this increase if they visit other state parks that are under the jurisdiction of Game and Parks. Another thing that I've continued to work with since I've been in this body is, as I mentioned earlier, Fort Hartsuff. And I hope that this increase in park fees will somehow help in the continuing refurbishment of that historical park because, again, I see local citizens very concerned about the future of that park trying to do their part, but I hope the Game and Parks will step up to the plate as well. And so in all of this I come back to saying, "yes, I'm for this increase." But I also put the charge out to Game and Parks that I hope this increase will help you take care

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and keep our state parks in good repair but also be vigilant about whether or not you really want to take on any more responsibility, any more land that might ultimately turn into another park because perhaps you don't have the resources to manage them effectively. So I thank you for the time, Mr. President, and, again as I said, rise in support of the amendment and LB421. Thank you. [LB421 LB207]

SENATOR GLOOR: Thank you, Senator Sullivan. Senator Krist, you are recognized. [LB421]

SENATOR KRIST: Thank you, Mr. President. Good morning, colleagues. I rise in support of AM228 and the underlying bill, LB421. But I remind you that the increases in these fees I still don't believe is the entire answer to parks being maintained, the quality that the citizens of Nebraska need. And I remind you that we have several bills coming up that will return park lands to local subdivisions for their careful care and consideration, and I think that's all part of the program. But I would say this: A point that was raised yesterday by Senator Pirsch, we all need to be responsible and resolved in the fact that if there should be no fees or tax increase, we may see this come back to us again for a vote. What I'm saying I guess, and not to sugar coat it, is it's going to have to be veto-proof, and I would hope that all of you would look at it at a point where it is indeed veto-proof because it is our resolve to maintain those parks for future generations in any way we can. And with that, I would yield the rest of my time to Senator Pankonin, should he choose to use it. [LB421]

SENATOR GLOOR: Senator Pankonin, you have 3 minutes and 45 seconds. [LB421]

SENATOR PANKONIN: Thank you, Mr. President. Thank you, Senator Krist. I just wanted to make a couple of comments on Senator Hansen's concerns and questions. And I just want people to know when I learned of Senator Hansen's concern yesterday, I called him and he called me back last night. We had a very nice visit about this. But as all of us probably remember, his LB181 which had to do with the brand commission, we

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changed a fee, we raised a fee there for that, much smaller in perspective, much, much smaller. But I asked him this morning, there was no votes against that. That's an issue he felt strongly about, about an area that he knows a lot about. So sometimes fee increases are necessary to maintain the functions of government, and Senator Hansen did a great job in that area. Also I agree with him very much that there will be a lot of people staying closer to home this year with the gasoline prices. I filled up last night when I got home and it was over \$40, and we will be probably staying closer to home as well. And I think the state parks when you think of it, \$25 per vehicle no matter how people are in the vehicle per year with all these parks that you can go to--over 80 of them--is a bargain for families in this economy. And the other thing I want to mention that, you know, sure there can be push back if these increases go through, but I think there can also be push back by the citizens and users of these parks--and we had 9 million users last year or visits--is that if we're letting them close and deteriorate to where the experience is unsafe and it isn't a pleasant experience anymore or the hours or cut or different parts of the facilities are not available, I think you're going to have push back as well. This is something, this is an asset that I think we are charged to help try to maintain over the long haul. So with that, I'll give up the rest of my time. Thank you. [LB421 LB181]

SENATOR GLOOR: Thank you, Senator Pankonin. The Chair recognizes Senator Howard. [LB421]

SENATOR HOWARD: Thank you, Mr. President, members of the body. I wish I could join the chorus of supporters because I think the state parks are wonderful and we need them and I think just the idea of green space is healthy and it's certainly a good thing. But my problem is, my problem is we are in a time right now where people are getting hit from all sides. Both Senator Pankonin and Senator Hansen mentioned the cost of gas, and we all experience...unless you're riding your bicycle down here, I think we're all experiencing gas is increasing on practically a daily basis. When I filled up my small car on Monday, \$43. That takes me down here three times round trip. Now that's the way it

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is and I accept that, but I do without something else. I have to. When we talk about increasing the fee, we're talking about increasing the fee for the annual permit by \$5. We're also, if you look at the bill closely, there's an increase for what's called the temporary permit which gives you admission to the park for the one day. Now I've been in situations where I've had to attend meetings at the park. And this bill will increase your fee for getting into the park to attend a meeting. It goes from currently it's \$4 to \$5. Now I don't have to tell you that people will probably look at this in terms of scheduling meetings at Mahoney. Mahoney has lovely meeting rooms. They're spacious. They're well-lit. There's a nice place to eat out there. But if you think that people are going to have to drive out to this facility, pay to get into the park itself to attend a meeting, you may really consider whether this is the best location for you to have a meeting. And something Senator Haar said yesterday resonated with me. He talked about going to a movie, taking his grandchild, and all the costs that were involved with that. Well, I think it's important to keep in mind that the \$25 annual fee you pay admits you to the park; other things are other costs. For example, camping will be \$20 a night or \$26 a night. And these are current costs, I don't know if they're going to be going up. But if it's \$26 a night, you're going to get an electric hookup, if you just have to pay \$20, you are not, if you want to rent a cabin--and that's very popular--currently a two-bedroom--it says in the information sheet that that will sleep four people--that's \$115 a night and it goes up from there. Now there are a lot of activities at the park that you and your family could engage in. There's an aquatic center, and if you have a family--say two adults, two children--it's going to cost you \$8 per adult and it's going to cost you if your child is under 12 years old, \$7, and if your child is just an infant under two years old, there's not going to be a charge for that. But, again, as Senator Haar pointed out, these fees add up. I am not speaking against a reasonable fee increase. I am saying this is going to hit people hard. And every group that comes in, every provider that comes in, everyone that comes in is concerned because their costs are going up and there's no way to avoid that right now. I question whether this is the time that we should grant this amount of increase, a \$5 increase for these fees while at the same time we're turning other people away that have just as worthy a request. I'm very concerned about this. I'm

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concerned, here again, is another hit to the average family. They like to take their family to the park, maybe sit at the picnic table and have lunch. Well, if you want to reserve the picnic shelter, it's going to cost you \$40 or, again, there's an extra charge of \$10 more if you want an electrical hookup. So these are all things to keep in mind. [LB421]

SENATOR GLOOR: One minute. [LB421]

SENATOR HOWARD: I beg your pardon? [LB421]

SENATOR GLOOR: One minute. [LB421]

SENATOR HOWARD: Thank you. These are all things to keep in mind. It's not just a one-time fee increase for this. And, by the way, I do remember when we were down here working on this fee increase just a few years ago and we granted that. This is an add-on to additional costs that people will have when they come and use the park. And I, again, say this is a time that we should not be placing additional burdens on families. Thank you. [LB421]

SENATOR GLOOR: Thank you, Senator Howard. (Doctor of the Day introduced.)
Senators wishing to be heard are: Christensen, Bloomfield, Ken Haar, Wightman, Price, and Hansen. Senator Christensen. [LB421]

SENATOR CHRISTENSEN: Thank you, Mr. President. I just want to encourage you to support this bill, if you think about the number of parks, Nebraska has more parks than any other state and we have less people providing this great opportunity for economic development, for encouraging people to come to this state. But if we don't increase this fee, you could have the same thing happen to your district that's happened to mine. Over half my lakes have went to reduced service or half my parks. And at that point in time, it is much more difficult...and I think they're doing a great job of keeping up with it at this point in time. But we all know if it's on minimum maintenance or reduced service,

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it's going to be harder to keep the park up, in great shape. And so I want to encourage you to vote for this, that we get the opportunity to keep our parks in the best shape we can, keep all of them that we can at full service, being taken care of so we can be proud of them as a state and continue to use it as ways to draw people here to spend money in this great state. Thank you. [LB421]

SENATOR GLOOR: Thank you, Senator Christensen. Senator Bloomfield. [LB421]

SENATOR BLOOMFIELD: Thank you, Mr. President. While I, like everybody here, wants to love our state parks and I do--I have one of the best ones in the state up in my district in Ponca Park--I question the funding of all these parks. We're told that it has to be done by park entry fees, yet we can't afford to do that I'm told. But yet we're still acquiring more land through Game and Parks and I have some real issues with that. Not far from beautiful Ponca Park is a 600-acre tract of farmland, irrigated farmland that was taken out of production and put into wildlife management. I would suggest perhaps if the state were to sell that back on an auction, they'd raise somewhere around \$5 million. We could do a lot of park work with that. I just wonder if in this tight economy maybe the state should be looking at divesting themselves of some of this publicly owned land and using that to take care of what we keep instead of buying more of it. Thank you, Mr. President. [LB421]

SENATOR GLOOR: Thank you, Senator Bloomfield. Senator Ken Haar, you are recognized. [LB421]

SENATOR HAAR: Mr. President, members of the body, a point I wanted to bring up yesterday and forgot to is to thank the park employees. There are really two things that make our park system work. One is the great parks that we have, the locations like Branched Oak and so on and so forth. But the second thing are the employees. And I've talked to a lot of park employees over the years and these are people who are committed to their mission. And my concern is if we don't do something about the park

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fee, we're going to start losing some of these employees, and you can't just turn that switch back on at some future date and gain those people who are experienced and committed to their jobs. And so I rise in support, again, of LB421, grudgingly in terms of AM228 because I have a whole row of stickers, park stickers on the right side of my windshield and it's kind of my badge of honor. And now I'm going to have to take all those off and just have one sticker on the left side, but I'll vote for AM228 as well. Anyway, my support for LB421 is undiminished. And I think we need to explain to our constituents that if we don't raise this fee, they're going to see less parks, they're going to see less maintenance, there's going to be just many fewer people working in these parks, and we need their experience, we need their commitment. So, again, I want to thank Senator Pankonin for bringing this forward, it's very important at this time in the state of Nebraska. Thank you. [LB421]

SENATOR GLOOR: Thank you, Senator Haar. Mr. Clerk for announcements. [LB421]

CLERK: Mr. President, the Judiciary Committee will hold an Executive Session at 10:00 in Room 2022. Judiciary at 10:00. Thank you.

SENATOR GLOOR: Thank you, Mr. Clerk. Senator Wightman, you are recognized. [LB421]

SENATOR WIGHTMAN: Thank you, Mr. President, members of the body. I rise in support of LB421 and in support of AM228. I know I've heard the argument, and I've heard the argument the last two years, that a fee increase is equivalent to a tax increase. I might say that I differentiate the two because I think a fee increase is on the user; the tax increase is on probably everybody generally, but it still gets down to a name, what we're going to call it. But it seems to me that many times that fee increases alleviate the probability of a tax increase, so I just don't see the two as being equivalent. Certainly I realize that we're always going to have people that either can't afford to pay the extra \$5 or...and I don't know how many of those there are, or complainers who are

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always going to complain about every increase no matter whether it's in a tax or a fee or whatever it might be, but certainly the opposition comes from both of those corners. I've listened this morning and I think there are two essential things that are going to go south if we don't take this increase or if we don't address that problem very quickly, one of them is reduced services. I think the reduced services come first, and finally they can't keep up the park at all and they place it on the general market or will offer it for sale to a municipality or a county where that park is. So, and I understand the cost of gas is going up. But I think given that as a whole we still have to look at an increase. I still think it's one of the biggest bargains we have, and I say that maybe only going to a state park once a year, so my \$20 or \$25 does not get spread very far. But I think the reduced services come first, and then if we can't any longer continue to maintain that park, then I think what happens is that it's sold, and somebody at that point is further away from a park that would provide more immediate services to them. So I think we had to look at the entire issue with regard to LB421 and AM228 on a matter of balancing. And I think when we talk about balancing, I think that it does suggest that we need to raise the fees to keep current. Now I know there have been statements made that we maybe ought to address this with some other issue, perhaps an increase of taxes. And I heard Senator Bloomfield just talk about the possibility of selling a tract of land, and I suppose that's a possibility, but I haven't heard that anybody is ready to do that yet and maybe it should be considered. But even if we do, I still think we need the additional resources that we would have from the fee increase. So I just...when you look at what we are comparative to other state parks or other states with regard to their park fees, we are the lowest. Possibly, as Senator Hansen said, we should be looking just to Nebraska, but I think you have to be aware of what's happening in other states as well. And if we're going to support them, at least largely out of fees, then we need to keep those fees adequate to at least provide the services that most people want in a state park. So, again, I urge your support of AM228 and LB421. Thank you, Mr. President. [LB421]

SENATOR GLOOR: Thank you, Senator Wightman. Senators waiting in the queue: Price, Hansen, Schumacher, and Schilz. Senator Price. [LB421]

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SENATOR PRICE: Thank you, Mr. President, members of the body. Good morning. It's a great day. Here we're talking about fees and taxes again and I thought I'd just elaborate on how I see it, if it were a tax, the Department of Revenue would be in charge of it. This is a fee. Words matter. I use the parks. I don't take my children necessarily to go on picnics or to go on walks, and that's what a lot of people do. I use the parks, many of them, because I like to fish. Many of you who have been around know I like to fish, and I fish Two Rivers and Schramm, Louisville, McConaughy, Branched Oak, Fremont, and Pelican Point even. And the important part of it is the parks bring about a wide array of activities for people to do. And if you like to fish, paying this fee for an annual park permit and then going out to a target-rich environment because they put fish out there, whether it's trout season coming up pretty soon or any of the other activities they do out there with our fisheries, again, going to the parks provides a target-rich environment, hungry fish, you might actually catch something. So there's a definite benefit there for all of Nebraskans. And I would also tell you that there are a lot of people who come to this state to do fishing. You know, the different tournaments that are held around the region and they'll come in here to Nebraska and they'll go out there and go after the bass and whatever else they're trying to catch out there. So I just wanted to be on the record to say I support this fee increase because it's the users who will be paying for it, if you don't want to use it, then you don't have to pay for it. A tax is something that you...necessary...what do they say, the only certain things in life are you're going to die and you're going to pay taxes. Well, you don't have to buy the park permit if you don't want to go in. It is a fee and I support the bill and I support the amendment and I applaud Senator Pankonin for bringing it and appreciate it. Thank you. [LB421]

SENATOR GLOOR: Thank you, Senator Price. Senator Hansen. [LB421]

SENATOR HANSEN: Thank you, Mr. President, members of the Legislature. I didn't quite get finished a little while ago, and this is the last time I'm going to stand up and talk

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against this legislation and this fee increase. But if you look at the fiscal note, they're estimating an increased revenue, which is an increase of those user fees, as Senator Price calls them, \$779,000 this year; \$1.2 million in fiscal year '12-'13. I don't know if they're going to get that much revenue or not. Some people are going to push back and say, well, you increased my fees 25 percent, I'm not going to go. Unfortunately that will happen. There are people at the brink now of not being able to pay their bills, not being able to...at least they've got to make some choices, and unfortunately this may be one of those choices. At least they can bicycle on a public road which (laugh) may not be safe. Senator Sullivan brought up Sherman County Reservoir and Sherman County State Park and that the County was going to take over that. I know that in the Game and Parks Division, they've given up like 40 FTEs over the past several years, and that's because of budgetary crisis and they've lowered those. They've asked communities to help out. We in a...just a few weeks ago, we started talking about taking away funds from cities and counties and NRDs. All three of those entities have helped in the past of maintaining some of these state parks. I know that in North Platte, Buffalo Bill State Park is a historical, one of the eight...or one of the ten historical state parks in the state, they've cut the staff down. They've also asked the city of North Platte to come out and pick up the trash and do some other things. We took \$193,000 away from the city of North Platte, and they said, no, we're not going to be able to help this year. And those things happen. What comes around, goes around, and this is certainly...that hopefully that the fee increase, if it goes through, they will be able to return some of those services to the state park. And I agree with Senator Bloomfield that we need to put value on these pieces of property that are being handed back to the local entities. They had a price on them when they bought them, and a good price, and we need to have a value on them when they give those lands away. I'm familiar with the state park in Arnold that the...actually it was a rotary club up there took it over and I'm sure with some use of the city funds, too, around Arnold because it's very close to Arnold. That would be a great property for someone to buy and develop, to return it back to probably where it would have been before it became a state park. Those are just some things that I wanted to get out. And I still stand opposed to the bill but I understand that it is a user

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fee. And I stand as a hypocrite, as Senator Pankonin says, because I asked for an increased of fee, user fee to cover some fuel expenses on a brand bill. Those are fees that users have to pay and it was an increase in fee. But we'll see what goes on, and just be alert because you're going to get some push back from the country (sic). Thank you, Mr. President. [LB421]

SENATOR GLOOR: Thank you, Senator Hansen. The Chair recognizes Senator Schumacher. [LB421]

SENATOR SCHUMACHER: Thank you, Mr. President and members of the body. I rise, briefly, in support of this bill and the amendment to it, even though I put the sticker on the wrong side of my window and had a heck of a time moving it to the other side. Our state parks are a valuable resource to the state. They attract people. They're something we can be proud of. They're operated...they're really a business operated by the state and, as such, we've got to operate them like a business. I don't see this particular measure as being a tax increase or a fee increase. It's a currency adjustment. It's keeping even with the rate of inflation. And I think as the pent up inflationary pressures in our economy are gradually unleashed over the next few years, we're going to see many, many times where we're going to have to adjust our fee structure and maybe even our tax structure to reflect the monetary difficulties we're going to have. So we either have a very simple choice: We can provide an adjustment for the inflation and adjustment for the currency difficulties or we cannot. And if we don't, we're going to see a resource that is valuable to the state and enterprise that is valuable to the state gradually whither away and become less and less desirable for the people of our state and as an attraction to folks of other states. Thank you, Mr. President. [LB421]

SENATOR GLOOR: Thank you, Senator Schumacher. The Chair recognizes Senator Schilz. [LB421]

SENATOR SCHILZ: Thank you, Mr. President, members of the body. What a difference

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a day makes I guess. Here we are once again talking about this. And, you know, once again I am in support of AM228 and LB421. But I think that the conversation that we're having here is one that everybody needs to pay attention to. There's a number of issues that are going on here that are making it extremely tough for us to move forward on giving these folks a fee increase for the park permits, and I think that the Game and Parks needs to listen up here. I think it's important that they understand that they can't just continue to promulgate stuff and keep moving in and taking over areas when they can't afford to use what they have now. That's important. They also need to relook at how they are running their parks and what they are doing out there and how they're making their money at each one of these parks. Are they actually taking advantage of every revenue-making opportunity that's available to them? Have they looked to design plans for each individual park to maximize the revenue that you can get there? I'm not sure they have. I think there's ways that they can move forward to utilize these things. We hear, like Senator Howard talked about, that they're charging for all of these other things, and they should. And there's a lot of things that when it comes to recreation people are not afraid to pay for, and we should be careful of lumping everyone together. A lot of people that come and visit Lake McConaughy bring (laugh) 30-, 35-foot trailers, 20-foot boats along with their pickup, and they park them on the shore and they stay there for a week. Those folks are not without means and we need to find ways at those parks where we have those opportunities to garner new revenue from them to put those things in place, whether it's vending licenses, whether it's allowing businesses to come onto the property and sell things that they pay a license fee for, or whether it's other things that they can do out there that haven't been thought of yet. I think it's important that Game and Parks start to look at the local communities that are around those parks, partnering up with them, creating local park boards that works with Game and Parks to tell them exactly what might be the best ways to make money where that park is located. So I think there's a lot of things that can be done to raise revenue in the parks. But from where we are right now, where we are today in the state of Nebraska with the Game and Parks and the situation that the parks are, I think LB421 and AM228 are what we need to do today to move that forward. But I do think that Game and Parks

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needs to relook at how they do things, retool what they're doing, and move forward with a broader vision, a broader plan for the state parks than, hey, we just get all of our money off of licensing fees. And I quite honestly if you pay attention and you look around, there's a lot more stuff going on than just park fees, and we need to keep that in mind. But it is important that we keep these parks open because these parks are a special place. I mean, I grew up at Lake McConaughy. I fished. I hunted. I recreated out there my whole life. Still do it. Any chance I get, I'm on the beaches of Lake McConaughy. And so I'm not afraid or not...I'm not afraid to go forward and understand that things do cost money. And as Senator Schumacher said, you know, you got to keep up with the times. And the park fee structure that we have in place right now has not kept up with times. Thank you, Mr. President. [LB421]

SENATOR GLOOR: Thank you, Senator Schilz. Senator Howard, you are recognized. [LB421]

SENATOR HOWARD: How timely. Thank you, Mr. President and members of the body. I certainly agree with Senator Schilz. What he says is right on the money. Everyone is looking at partnering with another group or an agency, some way that you can make your...you can fund your concern and yet work with others. And the structure that the park system is operating on right now is an age-old structure that really needs an examination. Can you continually go back time and time and time and time again and ask for the ability to increase the cost, increase the fees? Where is the breaking point? Where is the breaking point on gasoline? Where is the breaking point on park admissions and the usage of the park equipment? I really want to thank Senator Sullivan for bringing us a bill to consider which would transfer some property for park purposes to another entity that may have other ideas on how to fund it, how to keep it up, may be able to engage the community itself to take and have a vested interest in that park. I think this is important. We cannot rely on the same old, same old, which basically is going to the average working person and saying, it's going to cost you more. I have such a problem with that because the average working person, hopefully they're

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working, does not have endless-deep pockets. And while people that aren't going to notice this park increase can go there and enjoy it, I'm guessing many of those same people like to stay in hotels that are not engaging in the activity of camping out. Many people who have a number of children and just want, as Senator Hansen described it, a staycation will take their children camping. That's certainly what my folks did when I was younger and my brothers and camped out. I can't say that that's an activity that I continue myself, but it was fun when I was child and it's fun for families with children that enjoy doing that, creates a lot of memories. But we can't continue to do business the same way at the park system anymore than we can continue to do business in any other aspect of our funding organization. It's easy to come here, it's easy to say we need an increase. Right now, who doesn't? Right now, who doesn't? Does the average employer have the ability to go to their boss and say, listen, everything is going up. I mean, everything. I can't even go into the parks now without the fee being increased. And what will their boss say? Sure, I understand. Well, we'll give you a 5 or a 6 or a 7 percent increase in your check. Nope, doesn't happen that way. The average person has got to make do. The average person has got to fill their tank with gas, pay the fee, do without something else. I say this is something that we need to consider carefully. This is no small matter, increasing this fee, especially in the light of our saying no to so many others. Thank you. [LB421]

SENATOR GLOOR: Thank you, Senator Howard. (Visitors introduced.) Seeing no additional senators wishing to be recognized, Senator Langemeier, you're recognized to close on the committee amendment. [LB421]

SENATOR LANGEMEIER: Mr. President, members of the body, I ask for the support of AM228 which moves the sticker back over to the left side since we don't have vehicle inspection stickers on that side now, and then I would, again, ask for the adoption of LB421. We've heard a lot of good discussion today. We need to keep these parks in a situation where we're proud of them and we're bringing Nebraskans to Nebraska to use them (sic) and our Nebraska citizens are proud to call them our state parks. Thank you,

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Mr. President. [LB421]

SENATOR GLOOR: Thank you, Senator Langemeier. The question is, shall the committee amendments to LB421 be adopted? All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk. [LB421]

CLERK: 31 ayes, 2 nays on adoption of committee amendments, Mr. President. [LB421]

SENATOR GLOOR: The amendment is adopted. [LB421]

CLERK: I have nothing further on the bill, Mr. President. [LB421]

SENATOR GLOOR: Seeing no senators wishing to speak, Senator Pankonin, you're recognized to close. [LB421]

SENATOR PANKONIN: Mr. President, I, too, like Senator Langemeier, appreciate the dialogue and discussion yesterday and today and I think a lot of valid points were brought up. I think it's apparent there's good support here, but I also think there's good suggestions and things that Game and Parks and Natural Resources Committee will be aware of. And as far as some of the property decisions, those do have to come before us when they're made, and at those times we'll have to keep that in mind as we go forward about some of these issues. But I appreciate the discussion and I ask for your support of LB421. Thank you. [LB421]

SENATOR GLOOR: Thank you, Senator Pankonin. The question is the advancement of LB421 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk. [LB421]

CLERK: 29 ayes, 4 nays, Mr. President, on the advancement of LB421. [LB421]

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SENATOR GLOOR: The bill advances. Items for the record, Mr. Clerk. [LB421]

CLERK: Mr. President, I do, thank you. New resolutions. Senator Utter offers LR111, Senator Larson LR112. Both of those will be laid over. Priority bill designations: Senator Avery, LB606; Senator Ken Haar, LB283; Senator Campbell...I'm sorry, the Health and Human Services Committee, LB95 as one of their two. Bills read on Final Reading were presented to the Governor at 9:23 a.m. (re LB81 and LB333). Explanation of vote (re LB81 and LB333 by Senator Price). Your Committee on Government, chaired by Senator Avery, reports LB480, LB503, LB606 to General File; LB139, LB176, LB254, LB352 to General File with amendments, and LB143, LB419 and LB501 indefinitely postponed. Those signed by Senator Avery. Transportation and Telecommunications, chaired by Senator Fischer, LB220 and LB659 indefinitely postponed, and LB418 and LB500 to General File with committee amendments attached. I also have, Mr. President, a series of confirmation reports: three separate reports from Health and Human Services; a report from the Government...two reports from Government; and a report from the Transportation Committee. That's all that I have, Mr. President. (Legislative Journal pages 795-803.) [LR111 LR112 LB606 LB283 LB95 LB81 LB333 LB480 LB503 LB606 LB139 LB176 LB254 LB352 LB143 LB419 LB501 LB418 LB500 LB220 LB659]

SENATOR GLOOR: Thank you, Mr. Clerk. Continuing with General File, Mr. Clerk.

CLERK: LB260 is a bill by Senator Lathrop. (Read title.) Bill was introduced on January 11 of this year, at that time referred to the Health and Human Services Committee. The bill was advanced to General File. I do have Health Committee amendments, Mr. President. (AM310, Legislative Journal page 536.) [LB260]

SENATOR GLOOR: Thank you, Mr. Clerk. Senator Lathrop, you are recognized to open on LB260. [LB260]

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SENATOR LATHROP: Thank you, Mr. President. Colleagues, good morning. I'm pleased to introduce LB260. Over the past few years, awareness of the dangers of concussions has arisen as researchers and doctors have learned more and more about the impact they can have on athletes. As a result, state legislatures across the country are looking at ways to prevent concussions in our young people. In 2009, the state of Washington became the first state to pass concussion awareness legislation and eight other states have passed similar legislation since that time. Many other states are looking at similar legislation this year. And when I became aware of these efforts, I began to work with the Brain Injury Association of Nebraska, the Nebraska State Athletic Trainers Association, and the National Football League and others to develop what has now become LB260. This bill does essentially three things. It requires that schools and organizations that sponsor youth sports make training on concussions and brain injuries available to their coaches. This training would have to be approved by the Board of Medicine and Surgery. Other states are using free on-line courses from the CDC and the National Federation of State High School Associations that can be completed in as little as 30 minutes. The second thing the bill does is it requires that athletes and their parents or guardians be provided with information on concussions and brain injuries, including the risks posed by sustaining a concussion, the actions an athlete should take in response to sustaining a concussion, and the signs and symptoms of a concussion. And the third thing the bill does is it establishes what we call return to play mechanism for young athletes. Should an athlete be suspected by a coach, an athletic trainer or a medical professional of sustaining a concussion or brain injury, they will be removed from practice or the game and they will not be allowed to participate in any supervised athletic activities until they have been evaluated by a licensed healthcare professional and have received written clearance to resume their participation in that activity, if this takes place, the parent or guardian of the athlete is to be notified of the date, time and extent of the injury suffered by the athlete and any actions taken to treat the athlete. The bill was heard by the Health Committee on January 27 and was advanced on a 7-0 vote to General File. It has a committee amendment that I support. At the hearing we heard from many supporters including the

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Nebraska School Activities Association and three young men who suffered concussions or brain injuries while playing football. I would like to publicly thank Isaiah Bockelman, Blake Lawrence and Brady Beran for sharing their stories and showing why this legislation is needed. Earlier I mentioned that Washington was the first state to adopt this legislation. They have already seen a positive impact from the passage of their law. In December, the Governor of Washington sent a letter to the NFL commissioner and said, quote, I'm thrilled to report that the Zackary Lystedt Law is working. We are seeing a decrease in concussions and other head injuries in our student athlete population. I believe the adoption of this important legislation has saved our state money in emergency medical care, rehabilitation and other services children need when they suffer the consequences of untreated brain injuries. The passage of LB260 will hopefully have a similar effect in Nebraska. And finally I want to add that there have been, since this bill was advanced from the Health Committee, concerns expressed by a number of people regarding who shall establish the criteria, who should be involved in making the decision that a student athlete return to play. I appreciate those concerns, I've heard those concerns, and I intend to work on them before Select File. I'm just not in a position to do it before the bill advances today. And with that, I would be happy to take any questions. Thank you. [LB260]

SENATOR GLOOR: Thank you, Senator Lathrop. As the Clerk stated, there is an amendment from the Health and Human Services Committee. Senator Campbell, as Chairman of that committee, you are recognized to open on the amendment? [LB260]

SENATOR CAMPBELL: Thank you, Mr. President. Good morning, colleagues. I rise to introduce AM310, the committee amendment to LB260. The committee amendment makes changes in the request of individuals and senators to provide clarifications in the original bill. First, the committee amendment reorganizes Section 4 and 5 to provide better transition in the bill. Additionally, the committee amendment makes some small changes including that students required to be provided information regarding concussions in the bill are specifically then listed as such students who are participating

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in the practice of competition. Finally, initially LB260 required, quote, suspicion of a concussion or brain injury. The committee amendment clarifies that, quote, reasonable suspicion under observation of the student is the duty required by a coach and athletic trainer or a medical professional regarding a student who may have sustained a concussion or brain injury in a practice or game prior to removing the student from the practice or game. These are the changes addressed in the committee amendment, AM310, to LB260. And I would like to add, colleagues, that this has been one of the most well received hearings that the committee has had this year, excellent testimony that provided us with a very clear picture of what the bill could do. And we would strongly encourage your support of AM310 and LB260. Thank you, Mr. President.
[LB260]

SENATOR GLOOR: Thank you, Senator Campbell. Members, you have heard the opening on LB260 and AM310. Are there members wishing to be recognized? Senator Bloomfield, you are recognized. [LB260]

SENATOR BLOOMFIELD: Thank you, Mr. President. I was one of the people that originally had some questions about the language in here. Senator Lathrop went overboard working with me to change that. I am very satisfied with where we ended up. I would encourage the body to support both the amendment and the bill at this time. Thank you. [LB260]

SENATOR GLOOR: Thank you, Senator Bloomfield. Chair recognizes Senator Price.
[LB260]

SENATOR PRICE: Thank you, Mr. President, members of the body. Would Senator Campbell yield to a question? [LB260]

SENATOR GLOOR: Senator Campbell, will you yield? [LB260]

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SENATOR CAMPBELL: Yes, absolutely. [LB260]

SENATOR PRICE: Thank you, Senator Campbell. I first and foremost want to say I support what we're trying to do here. I believe anything we can do to help with traumatic brain injuries, whether they're received in sports or through military services or whatever, whether if you're riding your motorcycle with or without a helmet. The question I have for you, and I apologize, I don't have the information right in my hand. But I'd understood that there could be an opportunity where perhaps an opposing coach could say, I think the player on another team has some type of injury and make the question and thereby, I don't know, hijack a good bill. Is that a true statement or is that just folklore? [LB260]

SENATOR CAMPBELL: Senator Price, I think it's folklore in the sense that I can't imagine in the state of Nebraska, whether we're talking about Little League or high school, that if there was a question from an opposing coach that that coach wouldn't walk across and say to the player's coach, I have some concerns, that player has been on our side of the field. I don't think that that would happen. I think that's a lot of folklore. And I think should a situation arise, it would only arise once in the state of Nebraska and it would be taken care of. But in the coach's association the support for this bill, I think, is truly amazing in the sense of the organizations that want to come forward and be a part of the education of all coaches, whether they be paid coaches or volunteer, and families across the state. I hope that answers... [LB260]

SENATOR PRICE: Well, I appreciate that, Senator Campbell, because I agree with you. I know that there's always the best intention by the coaches. Now having coached Little League, that's the little guys and gals in a mixed league, flag football, there were times when I was very concerned about the demeanor of the coaches on the other side. And I'm sure there were times they thought I might be getting a little bit excited also. So we understand that at certain times things happen. And I appreciate your commentary on that that the situation will rectify itself and that we always have the best interests of the

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athlete versus the outcome of a game. So again with that, I will support the amendment and the underlying bill and appreciate you bringing this forward. [LB260]

SENATOR GLOOR: Thank you, Senator Price. (Visitors introduced.) Chair recognizes Senator Carlson. [LB260]

SENATOR CARLSON: Mr. President and members of the Legislature, I rise in support of LB260 and AM310. I do have a question for Senator Lathrop, if he would yield. [LB260]

SENATOR GLOOR: Senator Lathrop, will you yield? [LB260]

SENATOR LATHROP: Hello, I'd be happy to. [LB260]

SENATOR CARLSON: Okay, thank you, Senator Lathrop; if you have the bill in front of you, and this is on the green copy that is not changed by the amendment, on page 2, line 24, and this goes into "for purposes of the Concussion Awareness Act, a licensed healthcare professional means a physician" and then it says "an athletic trainer." I'd like you to consider changing that to a certified athletic trainer. You can think about that a little bit if you would. And then if we go to page 3, because that...it goes on in licensed healthcare professional. So we've got the "physician, the athletic trainer, a neuropsychologist, and some other qualified individual who is registered, licensed, certified, or otherwise statutorily recognized by the state of Nebraska to provide medical treatment." Now I'm trying not to show bias here, but I think that that would...the wording itself would exclude physical therapists, because my understanding is Physical Therapy Practice Act of Nebraska specifies they cannot diagnose a medical condition. So I'm asking, if physical therapists are not a part of this? I don't think they should be, nor chiropractors. [LB260]

SENATOR LATHROP: I would agree with you, Senator Carlson. And I think it takes

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care of that; if there's any question, we're talking about people that have an ability to diagnose a concussion or a brain injury. And while chiropractors and physical therapists do great work in the healthcare field, they're not...that's not they're...in the wheelhouse. And I would agree that that's not...they should not be included as people capable of making a judgment about whether someone has had a concussion or whether they've gotten over the symptoms of a concussion. [LB260]

SENATOR CARLSON: Okay, thank you, Senator Lathrop. I think that's important, if that can interpreted that way it's fine, if not, I think it ought to be considered. And then I'd like you to give some thought, if not now on Select File, as a certified athletic trainer. Thank you, Mr. President. [LB260]

SENATOR GLOOR: Thank you, Senator Carlson. Senator Nelson, you are recognized. [LB260]

SENATOR NELSON: Thank you, Mr. President, members of the body. I'd like to ask Senator Lathrop...well, first of all, let me say I rise in support of this bill and I thank you for bringing it. But I do have a question or two. [LB260]

SENATOR GLOOR: Senator Lathrop, will you yield? [LB260]

SENATOR LATHROP: Yes. [LB260]

SENATOR NELSON: We're talking about recognizing the symptoms or characteristics of a concussion or a possible concussion. Could you kind of outline what the coach, what the athletic trainer are having to look for at the time of the game, in the heat of the game, and to try and decide whether in fact the young person ought to sit down and be out for the duration of the game or continue to play. Am I asking an unfair question of a nonmedical... [LB260]

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SENATOR LATHROP: No, you're not. It's a great question. And we talked about it during the committee hearing. And I haven't frankly thought about it since then. But let me take a stab at it. As I recall, it's asking sort of a...questions that determine whether they know where they're at, who they are, the day of the week. So if you ask them, where are you? You know, what day is it, who's the President, if they can answer some pretty basic questions that's one of the criteria. The other is getting a look and seeing if they're laying down new memory, what happened to me? Well, you got hit. Tell me again what happened to me. Those would be some of the symptoms. And also just their appearance, we they have taken to a...sort of a blank look. But I can tell you that those are the very things, and I'm not taking the training course, so I (laugh) maybe I'm not very able to answer your question and I should. But those are the very things that they cover in the training course that we want to expose these coaches to. [LB260]

SENATOR NELSON: Right. So the training will provide for that. And you don't necessarily need a doctor or...someone to recognize symptoms. And so you're going to want to err on the side of caution I would suppose here. And if a coach, as they say in the heat of battle, decides I just got to have this young guy in there for the last play of the game or we're going to lose the game, he's taking a risk, I suppose. And we're talking about reasonable suspicion, isn't that... [LB260]

SENATOR LATHROP: That's...and that was a discussion I had with Senator Bloomfield. He had the concern which is, as soon as somebody hits the ground and you run out there as a coach do you suspect? Well, it's really when you roll them over and you ask them a question and they can't answer them. And you start to think there's something going on where he's not able to answer questions or appreciate where they're at or lay down new memory. That's when you develop a reasonable suspicion. We do not expect, and I should be clear about that. We do not expect the coaches to perform to some level as a neurosurgeon or a neurologist. What we want to do is get them in a position to kind of screen for it. Hey, I'm nervous about little Billy who got hit in the head in the soccer game; we ought to have him looked at. [LB260]

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SENATOR NELSON: Yeah, right. But once the decision is made then that stands and you don't put him on the sideline for a while and then bring him back in later on. [LB260]

SENATOR LATHROP: That's precisely the case. [LB260]

SENATOR NELSON: All right. Thank you, Senator Lathrop. Thank you, Mr. President. [LB260]

SENATOR GLOOR: Thank you, Senator Nelson. (Visitors introduced.) Senator Krist, you are recognized. [LB260]

SENATOR KRIST: Thank you, Mr. President and colleagues. I sit on the Health and Human Services Committee, and I heard testimony and asked my questions there. But for the record today, I'd like to register my support for AM310 and for LB260. I think it is an extremely important thing that we do to reinforce to coaches at all levels that concussion is a very, very serious thing and can destroy someone's life. For someone who has had several concussions, I can tell you that decisions to not participate in athletics for a period of time may have saved what little brain I have left. The point I'd like to make though here today, and thank Senator Lathrop for bringing this forward, the point I'd like to make here today is that I don't think that we can avoid, in the heat of battle in a contest, a player ending up on the opposite side of the field and being suspect by an opposing coach and/or staff. I do think that Senator Campbell's assessment to, in response to Senator Price though, was very appropriate. It might happen the first time, but the system, I believe, will take care of itself. And in the interest of health and safety--health and safety--this is the right thing to do. I will say though just one other quick thing. Senator Lathrop, I would hope that between now and Select or Final Reading we're able to look at Senator Carlson's questions in terms of the professionals that are on the sideline, because I have personal knowledge of the only physical trainer that is at a high school football game being a chiropractor. And that

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presents some issues in terms of diagnosis and follow-up. I understand that there's fixes to that, but I think we should talk about the "what ifs." And, Senator Lathrop, if you could yield for just one second, please? [LB260]

SENATOR GLOOR: Senator Lathrop, would you yield? [LB260]

SENATOR LATHROP: Yes, I'd be happy to. [LB260]

SENATOR KRIST: I know you've worked hard on this and that you have it in the position where I think it's a good piece of legislation. But I would ask you to follow through with that in terms of Senator Carlson's questions, because the last thing we want to do is put our athletic programs in a position where they cannot respond or a coach into a position where he has to respond and then he is negligent in some way, probably not to his own or her own fault. [LB260]

SENATOR LATHROP: Right. I certainly appreciate the concerns expressed by Senator Carlson. And what we want is when we talk about somebody that can clear an athlete to go back into the game, that can clear an athlete to go back into the game, they need to be somebody who is trained in the area of medicine and/or cognitive functioning. Right? So a medical doctor would certainly be somebody. A neuropsychologist would certainly be somebody, but not just any healthcare professional licensed under Health and Human Services. You'd end up with a dentist. So to the extent this needs to be narrowed down so that it's clear that they have to have an appreciation for when the symptoms of a concussion have resolved, I agree that that's important. [LB260]

SENATOR KRIST: Thank you again, Senator Lathrop, for bringing this piece of legislation forward. And again I support AM310 and the underlying bill LB260, and urge your support. [LB260]

SENATOR GLOOR: Thank you, Senator Krist. The Chair recognizes Senator Dubas.

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[LB260]

SENATOR DUBAS: Thank you very much, Mr. President. Good morning, colleagues. I rise in support of the bill and the amendment. My son spent his sixteenth birthday in the hospital after suffering a concussion during football practice. I happened to have been in town that evening attending a volleyball game, and one of his teammates came in and said, "I think you better go to your mom's house because I don't think Ronnie is feeling very well." He is going to be so happy that I'm sharing this story with you all this morning, but I really want to make a point as to why this bill is important. So I go up there, and I mean he did not...he knew his name but that was about the extent of it. He didn't remember that it was his birthday. He didn't remember anything that had happened in school that day. He kept asking over and over and over again, you know, what are his teachers' names; you know, is it really his birthday; and as we drove to the hospital, asking me in a very tearful voice, am I going to be this way the rest of my life? Am I going to be okay? And needless to say, his father and I were very scared too. We took him to the hospital. He was examined. Yes, he had a concussion. Thankfully, it wasn't as severe as some concussions can be, but nonetheless, it was severe enough to certainly catch our attention and give us a few fearful hours as we waited to see what the final diagnosis was going to be. And while he recovered, it was our decision as parents not to allow him to finish out his season as a football player. And to this day, he has not let me forget that decision, but I also like to remind him that maybe because of that decision he is the professional that he is today and the father that he is today and the adult that he is today. So I have no regrets for the decision that we made. But had something like this been in place, it might have helped support that decision that I as a parent made and be able to substantiate to the school, as well as to my son, that, you know, we need to make sure that everything is back in order before we allow you to go forward with this sport. So I think this...I think from the school's perspective it's great to give that education to those who are in contact with these students while they participate in this sport. I think it provides that level of making sure that everybody knows everything is all right before the student comes back into playing this sport. I just

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think all the way around it is a good idea. It's supportive of decisions that need to be made. And when the decision is made to go back and play the sport, it's with that degree of confidence that the student is back where they need to be mentally and physically. So for all of the reasons I've just stated, as well as all of the ones that have been stated on the floor so far, I think this is a great bill. The amendment does a good job of clarifying what needs to be done and I think the questions that have been raised will be able to be easily addressed, and I thank...again thank Senator Lathrop for this legislation. [LB260]

SENATOR GLOOR: Thank you, Senator Dubas. There are no members wishing to be recognized. Senator Campbell, you are recognized to close on the committee amendment. Senator Campbell waives. Senator Lathrop, you are recognized to close on...my apologies. Members, the question is, shall the committee amendment to LB260 be adopted? All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk. [LB260]

CLERK: 35 ayes, 0 nays, Mr. President, on adoption of committee amendments.
[LB260]

SENATOR GLOOR: The amendment is adopted. Discussion now continues on the advancement of LB260 to E&R Initial. Seeing no senators wishing to speak, Senator Lathrop, you are recognized to close. [LB260]

SENATOR LATHROP: Very briefly. I appreciate your adoption of the last amendment that improves the bill. Again I want to give you my assurance that there are a couple of questions having to do with the healthcare professionals and how they are identified or denominated in the bill. I will make those changes after working with the folks that have expressed a concern, including Senator Carlson. And then the last thing I wanted to do is I had a question from Senator Nelson about, what are they going to look for? And my crack LA Doug Koebernick just handed me this sheet from the Nebraska Sports

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Concussion Network, which is about kind of what you can expect with the training. And one of the things that they look for is orientation. You'd ask which period or which half are we in? Who scored the last in today's game? What team did you play last week? Very simple things but they're going to tell you whether somebody is there, present, and whether their mind is functioning. You can ask them to repeat three words in a row, ask them concentration questions, word list recall, or have them perform very simple balance tests. And this is the kind of education the coaches will have, the parents will be aware of and be offered or afforded an opportunity to have a rudimentary understanding of concussions. And colleagues, it's not the concussion that we're going to stop; it's the second concussion before the first one has healed--and that's where the brain injury comes in. And those are lifetime injuries. Our brain will not recover from a significant brain injury and it's the successive concussions before the first one has had a chance to heal that cause those brain injuries. So thank you for your support. The student athletes will appreciate it and this will be good policy for the state of Nebraska. Thank you.

[LB260]

SENATOR GLOOR: Thank you, Senator Lathrop. Members, the question is the advancement of LB260 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk. [LB260]

CLERK: 33 ayes, 0 nays, Mr. President, on the advancement of LB260. [LB260]

SENATOR GLOOR: The bill advances. Mr. Clerk. [LB260]

CLERK: LB105, a bill by Senator Schilz. (Read title.) Introduced on January 6, referred to the Natural Resources Committee. The bill was advanced to General File. I have no amendments to the bill at this time, Mr. President. [LB105]

SENATOR GLOOR: Thank you, Mr. Clerk. Senator Schilz, you're recognized to open on LB105. [LB105]

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SENATOR SCHILZ: Thank you, Mr. President. Members of the body, good morning again. I bring LB105 to the floor. And let me explain a little bit about what this bill will do. This bill would require anyone born after December 31, 1985, to complete a mandatory boater education class. Currently, the law requires that those that are 14-18 years of age to take the education class to operate a motor boat in the state of Nebraska. This "born on" option was chosen because it was deemed the most...the best way to move forward and use our resources most effectively. This option will spread out the time frame so their educators can keep up with the demand for the class. This bill started as an interim study last year. And during that time, first I wasn't extremely excited about the bill. But to be honest with you, during the time of the interim study, and then afterwards, the numbers and statistics were compelling to me. Those young folks who have taken the class in the past were much less likely to be involved in an accident while operating a motor boat. With budget cuts and the reality that that brings, only one or two law enforcement officers to Lake McConaughy, and that's...that's, you know, on a lake that has 26,000 surface acres, you know, it's...and 105 miles of beach and is 26 miles long as the lake. So the education is needed. We want to make sure that people that come to our parks to boat, and stuff like that, have a relaxing time and have a good time, and don't have to worry about accidents and things like that on the water. You know, one question that's been asked of me is, whether or not this might dissuade visitors from other states from visiting and boating on our lakes? And I did some research on that, and it should be noted that all other surrounding states, with the exception of South Dakota, have mandatory boater safety education already instituted. This class is conducted, or will be conducted, through volunteer efforts, and the Coast Guard and Game and Parks work together to provide those classes. In 2009, there were a total of 110 classes conducted. And those classes consist of a six-hour classroom instruction or there is also an Internet instruction that's available. And what you would do is you would do the study on the Internet and then you would come into a facility and take the test to receive your certification card. The class costs \$10, and we're not looking to change that at all. Of course, there is no fiscal note on this, so that's a positive thing about this. And

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with that, not wanting, you know, to belabor the support, I would ask for your support and your vote to move the bill to Select File. Thank you very much. [LB105]

SENATOR GLOOR: Thank you, Senator Schilz. Cookies are being passed out to the body in recognition of Senator Hadley's fifty-ninth birthday. Happy birthday, Senator Hadley. Members, you have heard the opening on LB105. Are there members wishing to be recognized? Seeing none, Senator Schilz, you're recognized to close. Senator Schilz waives. The question is the advancement of LB105 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk. [LB105]

CLERK: 27 ayes, 0 nays, Mr. President, on the advancement of LB105. [LB105]

SENATOR GLOOR: The bill advances. Mr. Clerk. [LB105]

CLERK: Mr. President, the next bill. Before that, if I might, Revenue Committee will have an Executive Session at 11:00. Revenue at 11:00 in Room 2022. LB207, a bill introduced by Senator Sullivan. (Read title.) Introduced on January 10, referred to Natural Resources. The bill was advanced to General File. I have no amendments to the bill at this time, Mr. President. [LB207]

SENATOR GLOOR: Thank you, Mr. Clerk. Senator Sullivan, you are recognized to open on LB207. [LB207]

SENATOR SULLIVAN: Thank you, Mr. President. Colleagues, LB207 conveys Bowman State Recreation Area from the Nebraska Game and Parks Commission to Sherman County. The Bowman State Recreation Area is comprised of two tracts of land totally just less than 48 acres and contains a small, somewhat shallow lake. Sherman County board chairman Eldon Kieborz first approached me in May 2010 about whether it would be possible for Sherman County to acquire Bowman. I acted as an intermediary to bring

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Game and Parks and the Sherman County board together. The two parties came to an agreement which resulted in LB207. Game and Parks provides minimum maintenance and upkeep to Bowman State Recreation Area due to budget constraints, so it makes sense, in my estimation, to transfer the property to the county. The Sherman County board of commissions has volunteered the county's time and financial support to care for Bowman. They will maintain the facilities and keep the park open for public use as per the requirements set forth in Section 37-354. As you can see from the fiscal note, this transfer would save Game and Parks approximately \$500 annually. Now granted, that isn't much, but I'm sure as we've heard, they can use the budget...the funds somewhere in their budget. Representatives from the Sherman County board and the Bowman Lake advisory committee testified before the Natural Resources Committee in support of LB207. Their plans for Bowman's future include clearing brush and trimming trees, building a hiking path around the lake, adding picnic areas, and possibly dredging the lake sometime in the future. I'd like to thank Roger Kuhn from Game and Parks for working with the Sherman County folks to make this transfer possible. They are excited about their options and they certainly are willing to undertake the work needed to bring Bowman back up to speed. And I really commend them. I talked with them at length when they came down here and they do have a multitude of ideas and are more than willing and anxious to take this responsibility over. I would like to also clarify something, too, in respect to Senator Hansen's comment when we were discussing the bill previously. This Bowman Lake State Recreation area is not to be confused with Sherman Reservoir which is also near Loup City and in Sherman County. That reservoir is owned by Farwell Irrigation District and they actually have a contract with Game and Parks to manage the camping areas there. So getting back to LB207, I thank you for your time and interest in this area and I encourage you to advance the bill. Thank you. [LB207]

SENATOR LANGEMEIER PRESIDING

SENATOR LANGEMEIER: Thank you, Senator Sullivan. (Visitors introduced.) You have

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heard the opening on LB207. The floor is now open for discussion. Senator Howard, you are recognized. [LB207]

SENATOR HOWARD: Thank you, Mr. President and members of the body. I wanted to take a moment to again thank Senator Sullivan for bringing us this bill and for her community to step...for stepping up and being so willing to improve their parks and to make this a healthy green space for the people that live in that area. I think that's admirable and I noticed that Senator Sullivan is not asking for any sort of an increase to do this, which says to me that these are the residents that are saying this is our park and we're going to make it even better. So again, thank you for bringing this to us, Senator Sullivan. [LB207]

SENATOR LANGEMEIER: Thank you, Senator Howard. Seeing no other lights on, Senator Sullivan, you are recognized to close on LB207. Senator Sullivan waives closing. The question before the body is, shall LB207 advance? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB207]

CLERK: 29 ayes, 0 nays, Mr. President, on the advancement of LB207. [LB207]

SENATOR LANGEMEIER: LB207 does advance. Mr. Clerk, next item on the agenda, LB563. [LB207]

CLERK: LB563 by Senator Utter. (Read title.) Introduced on January 19, referred to the Natural Resources Committee. The bill was advanced to General File. I have no amendments at this time, Mr. President. [LB563]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Utter, you are recognized to open on LB563. [LB563]

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SENATOR UTTER: Thank you, Mr. President. Good morning, colleagues. I'd like to just get up and say "me too," but I will tell you that if you like Senator Sullivan's bill, you're going to love mine. LB563 transfers the Crystal Lake State Recreation Area, which is located in southern Adams County, to the village of Ayr. It also is a park that was slated to be turned into a natural area or a wildlife area if they did not find someone to use it. This park has boating, a small lake that...a fishing lake. It has campground spots and trails through it and has been a well-used small state park. It encompasses about 35 acres and the citizens of the village of Ayr, along with the cooperation from the Little Blue Natural Resources District, have agreed to take on the responsibilities of operating this park. As a side note, I should just mention to you the village of Ayr has a population of 107 citizens. And I would say to you that I think that's quite an undertaking for them to be willing to take this on and continue to operate it for the enjoyment of the general public in the area. There is, in this bill, an escape clause that should the village of Ayr find that it is...becomes too difficult a burden for them to continue and would cease operation of the park, it would then revert back to the Game and Parks division. And so I think this is a win-win situation. I congratulate the willingness of the people of Ayr to take on this responsibility and preserve this park for the pleasure of the citizens of the state who choose to go there. With that I would urge your yes vote also on this bill. [LB563]

SENATOR GLOOR PRESIDING

SENATOR GLOOR: Thank you, Senator Utter. We now move to floor discussion. Senator Pirsch, you are recognized. [LB563]

SENATOR PIRSCH: Thank you, Mr. President and members of the body. I wonder if Senator Utter would yield to a question or two? [LB563]

SENATOR GLOOR: Senator Utter, will you yield? [LB563]

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SENATOR UTTER: Yes, I will. [LB563]

SENATOR PIRSCH: With respect to you saying the state is not in a position to financially maintain the park, is that correct? Is that...? [LB563]

SENATOR UTTER: Well, it is one of the small parks of the state that the Game and Parks Commission has identified as a facility that they no longer wish to maintain as a state park and would turn it into some kind of a wildlife area. [LB563]

SENATOR PIRSCH: Is that based on usage as a factor then? It's just not heavily used? [LB563]

SENATOR UTTER: I would say that's probably true, Senator Pirsch. [LB563]

SENATOR PIRSCH: Okay. And then the idea is then they were going to let it devolve into wild...just its wild nature--wild state--is that correct? [LB563]

SENATOR UTTER: That's correct. [LB563]

SENATOR PIRSCH: Okay. And with this new structure then the 35 acres would be conveyed to the city, so it would be under city ownership, is that right? [LB563]

SENATOR UTTER: That's right. [LB563]

SENATOR PIRSCH: But the NRD, natural resources district, would provide monies and maintain it, is that the idea? [LB563]

SENATOR UTTER: They have agreed to work with the village of Ayr. I know one of the big issues has been liability insurance, and I think they've been able to work with the village of Ayr where they could cover the insurance requirements under their existing

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policy. And I'm sure that on other areas, if the village of Ayr needed help, why, they would be willing to step forward. [LB563]

SENATOR PIRSCH: Do you know what the split is going to be? I mean, who is going to be bearing the main...or burden? Could that...I mean is the NRD going to be basically the one sustaining it financially? [LB563]

SENATOR UTTER: No, I don't believe so, Senator. I believe the village of Ayr has every intention to continue the operation of the park and provide the upkeep and the maintenance and continue to man the campground. And I will tell you that I think a lot of that is going to be done voluntarily. [LB563]

SENATOR PIRSCH: I see. And what's the role of the NRD going to be in this then? [LB563]

SENATOR UTTER: Well, I think I just mentioned to you that they're going to help with the insurance part of it. [LB563]

SENATOR PIRSCH: Oh, so that's...it's a pretty limited role, then just (inaudible). [LB563]

SENATOR UTTER: Well, I think it is. Yes. [LB563]

SENATOR PIRSCH: Okay. So it's the insurance role of that. Okay, thanks for answering. [LB563]

SENATOR GLOOR: Thank you, Senator Pirsch. Seeing no additional senators in the queue, Senator Utter, you are recognized to close on LB563. [LB563]

SENATOR UTTER: Thank you, Mr. President. And I urge your hitting the green button.

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Thank you. [LB563]

SENATOR GLOOR: Members, the question is the advancement of LB563 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk. [LB563]

CLERK: 32 ayes, 0 nays, Mr. President, on the advancement of LB563. [LB563]

SENATOR GLOOR: The bill advances. Items, Mr. Clerk. [LB563]

CLERK: Mr. President, a new A bill. Senator Mello offers LB289A. (Read LB289A by title for the first time.) Priority bill designations: Urban Affairs Committee, LB329 and LB54; Senator Adams, LB235; Senator Conrad, LB345; Judiciary Committee, LB463 and LB251. A new resolution: Senator Howard, LR113 and LR114. Both of those will be laid over at this time. And General Affairs Committee, chaired by Senator Karpisek, reports LB279, LB336, LB407, LB641 to General File, all having committee amendments attached. That's all that I have, Mr. President. (Legislative Journal pages 804-809.) [LB289A LB329 LB54 LB235 LB345 LB463 LB251 LR113 LR114 LB279 LB336 LB407 LB641]

SENATOR GLOOR: Thank you, Mr. Clerk. Continuing with General File, LB621. Mr. Clerk. [LB621]

CLERK: LB621 by Senator Heidemann. (Read title.) Introduced on January 19, referred to Natural Resources, advanced to General File. I have no amendments to the bill, Mr. President. [LB621]

SENATOR GLOOR: Senator Heidemann, you are recognized to open on LB621. [LB621]

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SENATOR HEIDEMANN: Thank you, Mr. President and fellow members of the body. As you have just heard from the previous two bills that we have heard and we have just passed on to Select File, the village of Brownville is wanting to take over the Brownville State Recreation Area. It's about 22 acres. It sits right along the Missouri River. The Game and Parks Commission has found this to be a smaller park. It's somewhat of a park that carries a heavy burden at times because the Missouri River goes out and it floods. Right now, it's probably not in the best shape because of the floods that we've seen last year. There has been a meeting of the village board of Brownville, and everybody seems to be in "agreement." They realize there is a burden maintaining and with the ongoing costs of this park that they seem to want to go ahead and take on that obligation. The park, it's a good asset to the village, I will say that. I've been there many times. Right along the Missouri River, it's a good place to picnic. There's a boat ramp there to get down into the Missouri River for people to do that. So as you have heard in the previous two bills, the village is willing to take on this obligation. The Game and Parks is wanting to get out from underneath the obligation, so I think LB621 would be a good compromise to help both out. So with that, if there are any questions I would try to answer them, but I urge you to vote in support of LB621. [LB621]

SENATOR GLOOR: Thank you, Senator Heidemann. Members, you heard the opening on LB621. Are there members wishing to be recognized? Senator Fulton, you are recognized. [LB621]

SENATOR FULTON: Thank you, Mr. President, members of the body. I'll be brief on this. I thought it appropriate to stand up and say something, as Brownville is right by my hometown. I grew up around there and I'm pleased to see Senator Heidemann has...they've identified a need in Nemaha County. Senator Heidemann has been working on this for some time. I went to the Game and Parks Commission and there are folks who, out of their own generosity, are willing to step up and take over this land that the Game and Parks Commission has not been able to keep up on. So it's appropriate that we had Senator Pankonin's bill this morning at the same time that we have these

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bills of Senator Utter and Senator Heidemann, because it communicates two things: number one, that we do care about our natural resources; and number two, as we can see in this bill, there are a lot of good Nebraskans who are willing to step up when asked. So, Senator Heidemann, thank you very much, and I stand in support of the bill. Thank you, Mr. President. [LB621]

SENATOR GLOOR: Thank you, Senator Fulton. Senator Bloomfield, you are recognized. [LB621]

SENATOR BLOOMFIELD: Thank you, Mr. President. Senator Heidemann, would you respond to a question, please? [LB621]

SENATOR GLOOR: Senator Heidemann, would you yield? [LB621]

SENATOR HEIDEMANN: Yes. [LB621]

SENATOR BLOOMFIELD: The previous bill they said that if it didn't work out it would end up going back to the NRD or somebody. Do you have such a clause in this bill? [LB621]

SENATOR HEIDEMANN: I think this bill is a little bit different than that, that we don't have that reverter clause in. [LB621]

SENATOR BLOOMFIELD: But I'm certainly in support of what you are doing here on this thing, but I wonder if somewhere along the line as we go forward with these in the future if we shouldn't maybe, as a body, suggest that we at some point let that property be put on the auction block. If it doesn't work out for Brownville to do this, we don't know for sure of what's going to happen to it. Maybe at some point, and not necessarily this one, that we should call the auctioneer and return that to private ownership? And again, I am in support of your bill on this. Thank you. [LB621]

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SENATOR GLOOR: Thank you, Senator Bloomfield. There are no senators in the speaking queue. Senator Heidemann, you're recognized to close on LB621. Senator Heidemann waives. The question is the advancement of LB621 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk.
[LB621]

CLERK: 29 ayes, 0 nays, Mr. President, on the advancement of LB621. [LB621]

SENATOR GLOOR: The bill advances. We continue with General File, Mr. Clerk.
[LB621]

CLERK: LB41, introduced by Senator Hadley. (Read title.) The bill was introduced on January 6, referred to Natural Resources, advanced to General File. I do have committee amendments pending, Mr. President. (AM219, Legislative Journal page 541.)
[LB41]

SENATOR GLOOR: Thank you, Mr. Clerk. Senator Hadley, you are recognized to open on LB41. [LB41]

SENATOR HADLEY: Mr. President and members of the body, good morning. I bring you LB41. It's introduced at the request of the Game and Parks Commission. It addresses several elements of the game law related to permits, stamps, possession of wildlife, military permits, and dealing with beaver and muskrat damage. The bill makes many technical changes which include rewriting, moving, and eliminating several sections of the statute. Someone came up to me and asked how I got involved in a hunting, game, fish, and parks bill. And I would like to explain how. I had a constituent come to me whose son had been deployed to Afghanistan with the National Guard. And he had purchased a combo hunting and fishing permit and paid full price, and he was going to spend a year in Afghanistan. He had come back for a two-week leave but if he

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didn't purchase the permit he had to purchase a permit to hunt and fish during that two-week period and then couldn't use it the rest of the time. I felt that was inappropriate so I talked to game, fish, and parks about that, and that is part of this bill. And while we were doing this, they asked if I would carry their bill to clean up some of the statutes and rules and regulations. And that's what this legislation does. It has numerous parts and I'm going to briefly explain each of the parts. The first one, it changes, in the controlled shooting area statutes, it changes size requirements and moves much of the statutory requirements to commission regulation. Controlled shooting is where a person owns an area and basically can allow hunters on for a fee for controlled shooting, on that area, of game birds. (2) A change in the falconry statutes. It harmonizes the state and federal requirements in light of the federal permit not being required anymore. It creates a nonresident falconer's permit. Elk permit limitations change. The bill clarifies eligibility for elk lottery or auction permit for persons having previously obtained a bull elk tag. Next, change in a two-day nonresident small game hunting license to allow a year-round purchase. Change to statutes requiring permitting for taking of beaver and muskrat causing damages. Simplifies requirements for individuals, agencies, and municipalities to obtain permits to take beaver and muskrat which are causing damage to property. (6) Changes to simplify statutory requirements on holding legally harvested furs. (7) Changes to clarify a statute in regards to illegal possession of unmounted game. (8) We talked about the change for the benefits for the deployed and recently deployed and currently deployed military residents. And lastly, the statute changes to enable multiple-year stamp sales. Statutory authority currently exists to provide multiple-year permits, but additional statutory authority is needed to create and provide multiple-year stamps we use in conjunction with such permits. There is an amendment. To let you know, it came out of committee on a vote of 8-0. There were no opponents and no neutral. Proponents included myself, Game and Parks Commission, the Nebraska Council of Sportsmen's Club, the Oak Creek Sporting Club, the Nebraska Gamebird Association, the Nebraska Gamebird and Hunting Association, the Nebraska Falconers' Association, and the Nebraska Sports Council. I would appreciate your green vote on LB41 and the two amendments that are to follow. Thank you, Mr. President.

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[LB41]

SENATOR GLOOR: As the Clerk stated, there are amendments from the Natural Resources Committee. Senator Langemeier, as Chair of the committee, you are recognized to open on the amendment. [LB41]

SENATOR LANGEMEIER: Mr. President and members of the body, AM219, which is the committee amendment to LB41, makes some technical changes. It adds some clarifying language that the payment for the multiyear permits is to be made in one lump sum and they can't be extended for more than the life of the permit as issued. It reinstates an inadvertent elimination in the original bill. It reinstates that the two-day hunting permit that Senator Hadley talked about earlier have to be consecutive days and it also allows for dog training or trial activities to be allowed in a controlled shooting area per rules and regulations of Game and Parks. So it would allow them to hunt and train dogs in particular areas maybe out of season, with Game and Parks and the controlled shooting area's cooperation and their permitting. It allows an equitable method of dealing with falconry permit violations. Currently, if you are currently a licensed falconer in Nebraska and for some reason you do something that requires Game and Parks or the court system to take away your permit, it's a \$100 fine, but they also take your bird--and your falcon could be worth \$10,000. So this allows the person that is in violation...yes, their bird still gets taken away, but they have the right to then dispose of their bird. Whether they sell it or something, they would have some control over that, because that's kind of an unsaid, pretty dramatic fine if you just take their bird from them. They wouldn't get to keep it but they would have the opportunity to sell it and move it to a safe place. The amendment requires that the court order permit revocation for that falconer to give to take their possession but yet allow them the opportunity to sell it. So that's what the committee amendment does. They are technical. And Senator Hadley, when Game and Parks came to me and said we had some cleanup stuff, I told them to go talk to Senator Hadley because he had a bill. So that's how you got all this in one. And I think it's...I'm in support of LB219...oh, excuse me, AM219 and LB41. Thank

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you. [LB41]

SENATOR GLOOR: Thank you, Senator Langemeier. Members, you have heard the opening on LB41 and the committee amendment. Senators wishing to be recognized: Senator Price. [LB41]

SENATOR PRICE: Thank you, Mr. President and members of the body. I rise in full support of AM219 and LB41. I could only surmise that Senator Hadley supports this bill, being a full corporal...by having been a full corporal in the United States Marine Corps at one point in time. But again, I do fully support that. That is a big issue for the military members, who particularly if you look at not just the active duty, but the Guard and Reserve members who are making up a tremendous portion of our forces overseas and the different activities we're taking, so it just seems to make sense and would help ease their burdens. And I'd also mention when Senator Langemeier brought up the falconry issue, a lot of people don't think about falconry, but we have to use that to keep our airspaces clear sometimes. You'll see the gentlemen out there and ladies with falcons to help keep our air traffic safe. Just the mere presence of a falcon keeps some of the birds out of the flight path areas, and the last thing you want to do is have some bird go through the first two stages of your propulsion system. So again, I rise in full support of what we're doing here and I appreciate that the senators have chosen to move forward on this. Thank you, Mr. President. [LB41]

SENATOR GLOOR: Thank you, Senator Price. There are no additional senators in the queue. Senator Langemeier, you are recognized to close on the committee amendment. Senator Langemeier waives. Members, the question is, shall the committee amendment to LB41 be adopted? All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk. [LB41]

ASSISTANT CLERK: 26 ayes, 0 nays on the adoption of committee amendments, Mr. President. [LB41]

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SENATOR GLOOR: The amendment is adopted. Mr. Clerk. [LB41]

ASSISTANT CLERK: Senator Hadley would move to amend with AM652. (Legislative Journal page 786.) [LB41]

SENATOR GLOOR: Senator Hadley, you are recognized to open on your amendment. [LB41]

SENATOR HADLEY: Thank you, Mr. President, members of the body. This is strictly a technical amendment. When we were...it was up with the Revisors, they found on page 16, line 24, there was a sentence that reads "The fee for a replacement shall be not more than five dollars, as established by the commission." We did not want that line in there, as there will be no fee for the replacement. So I would ask you to support AM652 as a technical amendment to LB41. [LB41]

SENATOR GLOOR: We move to discussion. There are no members in the speaking queue. Senator Hadley, you're recognized to close on your amendment. Senator Hadley waives. The question is, shall the amendment to LB41 be adopted? All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk. [LB41]

ASSISTANT CLERK: 27 ayes, 0 nays on the adoption of Senator Hadley's amendment. [LB41]

SENATOR GLOOR: The amendment is adopted. We continue with discussion on the advancement of LB41 to E&R Initial. There are no members in the speaking queue. Senator Hadley, you're recognized to close on the advancement of LB41. [LB41]

SENATOR HADLEY: I will make it very short and sweet. I appreciated your green votes on both amendments. LB41, while it may not be an earthshaking bill, it's an important

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bill to game, fish, and parks, and it's an important bill to those that hunt in our great state of Nebraska. And the more we can do to bring hunters from both Nebraska and out of state to Nebraska, the more it does for the economy of Nebraska. I would appreciate a green vote on LB41. Thank you, Mr. President. [LB41]

SENATOR GLOOR: Thank you, Senator Hadley. The question is the advancement of LB41 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk. [LB41]

ASSISTANT CLERK: 32 ayes, 0 nays on the motion to advance the bill, Mr. President. [LB41]

SENATOR GLOOR: The bill advances. We continue with General File, LB342. Mr. Clerk. [LB41]

ASSISTANT CLERK: Mr. President, LB342 was introduced by Senator Brasch. (Read title.) The bill was read for the first time on January 12, referred to the Natural Resources Committee. That committee reports the bill to General File with committee amendments attached. (AM221, Legislative Journal page 542.) [LB342]

SENATOR BRASCH: Thank you. Thank you, Mr. President, and good morning, colleagues. LB342 is very basic and makes a very specific change to change the voting hours for election of drainage district directors. LB342 requires that ballots for drainage district directors be returned to normal office hours or via e-mail. Currently, annual elections for the board of directors for drainage districts are held from 8 a.m. until 6 p.m. on the second Tuesday in April at the county courthouse or another designated site. Elections may also be conducted by mail if the directors of the drainage district choose to do so by February 15, per Section 31-409.03. Because a very small number of voters are affected by these elections and voter turnout is generally rather low, LB342 will require that the closing time of the polls for drainage district directors be consistent with

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regular, normal office hours of the county clerk's office. Thus, with LB342, voting for directors will occur between the regular hours of 8 a.m. and 5 p.m. at the respective voting precinct or during their normal hours of the courthouse unless it has previously been determined that elections are conducted via mail. The NACO board approved this change and I have also confirmed support for this legislation from county clerks in my legislative district. Again, the change in LB342 applies only to the election of drainage district directors. The Natural Resources Committee did advance LB342 unanimously with an amendment. I do support the Natural Resources Committee amendment AM221 and consider it to be a very practical solution and further simplifies the issue of election times. I ask for your support of LB342. Thank you. [LB342]

SENATOR GLOOR: Thank you, Senator Brasch. As the Clerk stated, there are amendments from the Natural Resources Committee. Senator Langemeier, as Chair of the committee, you are recognized to open on the committee amendment. [LB342]

SENATOR LANGEMEIER: Mr. President and members of the body, AM221 strikes LB342. We...Senator Brasch brought this to us. We looked at this issue. It looked to change the hours for some polling places, but yet we wanted to change it where it was the same as the business hours at the courthouse if that was the polling place. And it got to be a lot of different times in a lot of different places. In the voting for directors for a drainage district, they don't do that on particular November 2 or whatever. They send out a letter to all the registered eligible voters of the drainage district. So they send them a letter that says, we're going to have a vote for directors, and most likely it says in here, the particular candidates. So with AM221, what we have decided as a committee--and we voted this out unanimously--is to make it simple. Put the hours that you're going to be eligible to be open for voting on the same notice it tells you, you need to go vote. And so we don't have to worry if this polling has different hours and the courthouse has different hours if that's the other polling place. The letter that gets sent out to the individual that says you are eligible to vote for this board of directors for the drainage district will state right on there when the hours are. So we think that we've made it a

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very simple process and we'd ask for your adoption of AM221. Thank you. [LB342]

SENATOR GLOOR: Thank you, Senator Langemeier. Members, you have heard the opening on LB342 and the committee amendment. Are there senators wishing to be recognized? Seeing none, Senator Langemeier, you are recognized to close. Senator Langemeier waives. The question is, shall the committee amendments to LB342 be adopted? All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk. [LB342]

ASSISTANT CLERK: 34 ayes, 0 nays on the adoption of committee amendments. [LB342]

SENATOR GLOOR: The amendment is adopted. Discussion continues on the advancement of LB342. Senator Brasch, you're recognized. [LB342]

SENATOR BRASCH: I would like to ask for the advancement of LB342. [LB342]

SENATOR GLOOR: Senator Brasch, would you like to close on LB342? Senator Brasch waived. Members, the question is the advancement of LB342 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk. [LB342]

ASSISTANT CLERK: 31 ayes, 0 nays on the motion to advance the bill, Mr. President. [LB342]

SENATOR GLOOR: LB342 advances. Continuing with General File, Mr. Clerk. [LB342]

ASSISTANT CLERK: The next bill, Mr. President, is LB366 which was introduced by Senator McCoy. (Read title.) The bill was read for the first time on January 13 of this year, referred to the Natural Resources Committee. That committee reports the bill to

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General File with committee amendments. (AM122, Legislative Journal page 543.)
[LB366]

SENATOR GLOOR: Senator McCoy, you're recognized to open on LB366. [LB366]

SENATOR McCOY: Thank you, Mr. President and members. I'm pleased to introduce LB366 which seeks to remove the need for a motion explanation and a vote by no fewer than eight members of the board of the Nebraska Environmental Trust to not follow the recommendations of the Nebraska Environmental Trust subcommittee known as the grants committee. This language was introduced through LB891 in 2002. Although I agree with the intent of transparency within LB891, I believe this elevated the grants committee's authority and did not effectively address the need for transparency within the Nebraska Environmental Trust and the grant award process. In a moment, Senator Langemeier will explain the committee amendment AM122 to LB366, which seeks to bring additional transparency into the grant process. And I ask for your support for both LB366 and AM122. Thank you, Mr. President. [LB366]

SENATOR GLOOR: Thank you, Senator McCoy. As the Clerk stated, there are amendments from the Natural Resources Committee. Senator Langemeier, as Chair of the committee, you're recognized to open on the amendment. [LB366]

SENATOR LANGEMEIER: Mr. President and members of the body, thank you. AM122 to LB366 does a couple things. It requires that the subcommittees with the Environmental Trust follow the Open Meetings Act. We've been told by the trust that they already do that. This would just put it in this bill and put it in statute. It also adds a requirement in there that a hearing is to be held, a public hearing is to be held on proposed projects for funding, and then that the board has to wait 30 days after the hearing before they can take action. And so it's kind of a clarification to LB366 and we'd ask for your adoption of LB122...AM122. Thank you. [LB366]

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SENATOR GLOOR: Thank you, Senator Langemeier. We move to floor discussion. Senator Harms, you are recognized. [LB366]

SENATOR HARMS: Thank you, Mr. President and colleagues. I would like, if I could, to have Senator McCoy yield? [LB366]

SENATOR GLOOR: Senator McCoy, would you yield? [LB366]

SENATOR McCOY: I would. [LB366]

SENATOR HARMS: Senator McCoy, in your legislation you require them to have at least eight affirmative votes so they couldn't deviate from the subcommittee's recommendation. What do they now have? I guess I have some difficulty understanding what's in the process now. And what do they use? [LB366]

SENATOR McCOY: Well, actually it's the reverse of what you just mentioned. The way it is currently required is that they must have eight rather than a majority of those present. [LB366]

SENATOR HARMS: Excuse me. Mr. Chairman, could you use the gavel please? It's hard for me to pick that up. [LB366]

SENATOR GLOOR: (Gavel) [LB366]

SENATOR HARMS: I'm sorry. Would you go ahead now? [LB366]

SENATOR McCOY: It's actually the reverse of that, Senator Harms. [LB366]

SENATOR HARMS: Okay. [LB366]

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SENATOR McCOY: It's now eight that are required. This would change it to a majority of those present. [LB366]

SENATOR HARMS: Okay, thank you. The other thing I would like to say: I do support AM122. I do believe that they should be required to deal with the Open Meeting law and I think it's important for us to consider that. If we received any kind of state dollars or local money, I believe that you ought to have transparency. You ought to follow the rules and you ought to follow the regulations in regard to this. Again, Senator McCoy, in regard to the voting process, why are you bringing this forward? [LB366]

SENATOR McCOY: Well, it would just seem to me, Senator Harms, as I looked through this, that if you get in a situation where you didn't have the full board present for a meeting in which voting took place, we're putting in, it would seem to me, an unnecessarily high bar by saying that no fewer than eight. [LB366]

SENATOR HARMS: Well, thank you, Senator McCoy, and thank you, Mr. President. [LB366]

SENATOR GLOOR: Thank you, Senator Harms. Seeing no further senators in the speaking queue, Senator Langemeier, you're recognized to close on the committee amendment. Senator Langemeier waives. Members, the question is, shall the committee amendments to LB366 be adopted? All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk. [LB366]

CLERK: 29 nay, 0 nays on adoption of committee amendments. [LB366]

SENATOR GLOOR: The amendment is adopted. Seeing no members wishing to speak, Senator McCoy, you're recognized to close on LB366. Senator McCoy waives. Members, the question is the advancement of LB366 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB366]

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CLERK: 29 ayes, 0 nays, Mr. President, on the advancement of LB366. [LB366]

SENATOR GLOOR: The bill advances. Mr. Clerk. [LB366]

CLERK: LB255, a bill by the Transportation and Telecommunications Committee and signed by its members. (Read title.) Introduced on January 11, referred to the Transportation and Telecommunications Committee, advanced to General File. I have no amendments at this time, Mr. President. [LB255]

SENATOR GLOOR: Thank you, Mr. Clerk. Senator Fischer, as Chair of the Transportation and Telecommunications Committee, you're recognized to open on LB255. [LB255]

SENATOR FISCHER: Thank you, Mr. President and members. LB255 was introduced as one of the Transportation and Telecommunications Committee's LR542 options. The bill affects the General Fund appropriation of the Public Service Commission. LB255 would eliminate the commission's railroad inspection program. The program carries out enforcement of the Federal Railroad Administration, or FRA, standards in cooperation with federal inspectors. The commission's rail safety program dates to the 1970s. Until the late 1980s, the agency received federal funding to assist in the administration of the program. Since that time, all salary, motor vehicle, and travel expenses have been paid out of the state General Fund. The FRA has paid for training costs and computer hardware and software used by state inspectors to perform their duties. The commission's inspector duties include monitoring air brake tests, the condition of the cars, and blue signal protection for the safety of railroad employees. In 2010, the commission's inspectors recorded 999 rail safety defects. The inspectors also investigate railroad accidents occurring in Nebraska. Nebraska is one of 30 states with an FRA state inspection program. There are currently two inspectors on the commission's staff. One conducts track inspections and the other is responsible for the

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inspection of motive power and equipment. Nebraska is home to over 12,000 railroad employees, the two most dense rail corridors in the United States, and the largest rail yard in the world. Over 3,200 miles of railroad track is contained within the state. Like most LR542 options, LR255 (sic--LB255) is not without its consequences. If this program is eliminated, there will be fewer rail safety inspections in Nebraska. The FRA has stated that allocation of federal inspector resources is not influenced by state participation in its inspection program and it will be unable to increase its inspection activities in Nebraska. Currently, 11 FRA inspectors cover Nebraska's territory. Six inspectors are based in Council Bluffs, Iowa. One spends 30 percent of his time working in Nebraska and the other five inspectors spend 50 percent of their time in this state. One FRA inspector is based in Lincoln and four more are based in North Platte. The committee did hear testimony from Union Pacific about its own inspection standards and advancing technologies to provide a safer environment for its workers and the public, and the passage of this bill would not affect how its own inspections are conducted. The current budget shortfall required every committee to establish priorities, agency by agency. Due to the railroad inspection program's supplemental relation with the federal government, the committee felt comfortable advancing LB255 to General File. The fiscal note on the bill estimates a General Fund savings of \$123,000 with the elimination of the two inspector positions. Both the Governor's budget and the Appropriations Committee have included the elimination of the program within their respective proposals. Thank you, Mr. President. [LB255]

SENATOR GLOOR: Thank you, Senator Fischer. Members, you've heard the opening on LB255. There are senators wishing to be recognized. Senator Louden, you are recognized. [LB255]

SENATOR LOUDEN: Thank you, Mr. President and members of the body. As you notice by the committee statement, I voted against it mostly because I have worked around railroads for a long time. If you will notice on the committee statement that the only people there that day at the hearing that supported this were the six senators that

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voted to advance it. There was about four or five other people from the various labor unions, and even the Public Service Commission and all, that voted in the opposition on this bill. Yes, it probably saves \$123,000, which is two jobs is what you're getting rid of. You're getting rid of two jobs, two \$60,000-some-a-year jobs, that when they say they're saving \$123,000, that isn't taking into account the amount of income taxes that those two people are paying when they have that job, so that's neither here nor there. But what I want to point out is the safety issue. Nebraska, whether you know it or not, is probably one of the busiest railroad areas in not only the United States but in the world. It's...with our Burlington Northern and our Union Pacific tracks running the length of Nebraska, it's supposed to be the busiest place in the world. In fact, it's the only place where you have triple track as you have somewhat in the Gibbon area. Also the Bailey Yards are the largest railroads yards in the world. This is all what Nebraska has, and here we're going to get rid of two people that check the safety for those people that work there, and not only for the people that work there but for the railroad cars that are running up and down the tracks. Every one of those tracks go through small towns any place. If any one...if any car comes out of there with a wheel that wasn't properly checked and this is what our safety inspectors do, they don't necessarily check the wheels but they check the procedure that the workers do to check those things. You crack a wheel in one of those small towns and that's probably the end of the small town. You crack a wheel on a load of chemical of some kind coming across the Ogallala Aquifer, which both railroads do, then you have another problem. So really this is probably, what would you say? Cutting your nose off to spite your face just to save this \$120,000-some. I don't think this...I voted against the bill in committee. I still object to the bill and I think it's poor legislation that I don't think we should be cutting our Public Service Commissioners that work with our railroad safety. As you notice, the labor unions mostly agreed with me on the whole process because the Brotherhood of Maintenance of Way people, the Brotherhood of Locomotive Engineers and Trainmen, the State Council of Machinists, all of those agreed that we need the inspectors. Sure, the federal government is supposed to have people out there, but they'll have one out of Kansas City and I think the Chairman said something out of Council Bluffs and stuff, but

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they're not...they don't always be all over Nebraska, there's such a few of them. And where we have our railroad yards in Alliance, we have our Bailey Yards in North Platte, we really need to have these inspectors in there. This isn't cutting just in saving any money. This could cost us money in the long run. One mistake that's made out there someplace, you'll have all of this money dumped back, and more besides there, whether the railroad picks it up or whether we have an environmental problem there if we have any kind of a train wreck in any place in the Sandhills. We had a train wreck a few years back right there in Ellsworth. They dumped about ten carloads of coal in a pond there, and those people then were out there in hip waders shoveling that coal out of that pond because the environmental agency made them clean it all up. This is what you're adding. And if you haven't been around that and seen... [LB255]

SENATOR GLOOR: One minute, Senator. [LB255]

SENATOR LOUDEN: ...what goes on at times, this is something that you really need to think about. This isn't good legislation, folks, and I will continue to vote against it. Thank you, Mr. President. [LB255]

SENATOR GLOOR: Thank you, Senator Louden. Senator Krist, you are recognized. [LB255]

SENATOR KRIST: Could Senator...thank you, Mr. President. Could Senator Fischer indulge me in a couple questions? [LB255]

SENATOR GLOOR: Senator Fischer, would you yield? [LB255]

SENATOR FISCHER: Yes, I will. [LB255]

SENATOR KRIST: When you looked at the offsets for LR542, obviously safety was a concern. In your opening statement what I thought I heard is that this inspection process

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was going to continue with people that were in places around the state. The same inspectors would be inspecting the rail...some inspectors would be inspecting the rail lines, or did I misunderstand that? [LB255]

SENATOR FISCHER: That's correct. There will be inspectors inspecting the lines. Nebraska currently has two. One position is empty right now so we only have one inspector. It was felt by the majority of the committee that with the federal inspectors, their job is to make spot checks. They're making spot checks along the line. If you look at the committee statement you will notice that UP was there in a neutral capacity. They provided information to the committee. With the advanced technologies that we have and that they have, they are comfortable doing those inspections. They inspect their tracks constantly through technology and they felt that they were able to keep that. Of course, their first priority is to keep their tracks safe and they felt that they are accomplishing that goal. [LB255]

SENATOR KRIST: So if I could summarize where I think we are: There are three positions. One is vacant. So... [LB255]

SENATOR FISCHER: There are two positions at the state level. One is currently vacant. In fact, the inspector, it's my understanding was hired by the FRA. [LB255]

SENATOR KRIST: Okay. And the inspection, then that will go on, will not be state inspectors. They will be FRA inspectors. And in addition to that... [LB255]

SENATOR FISCHER: That would be correct. It's a federal mandate. [LB255]

SENATOR KRIST: In addition to that, there will be railroad inspectors from the individual companies. How...do you know...during the testimony, when the individual railroads were there, what is their percentage of findings and how do they report? Do the same kinds of reports get issued? I guess what I'm saying is if the railroad inspects

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and finds a problem, is there full disclosure? Is there action? [LB255]

SENATOR FISCHER: I would have to check on that, Senator. [LB255]

SENATOR KRIST: Okay. I'd be interested in hearing that, that my only concern would be we reduce the number of inspectors, we reduce the number of spot checks. We're saying that same function is happening someplace else. But if we're relying on the railroad to inspect themselves, sometimes, as you know, internal inspections don't always self-disclose and there's not the compliance issue. So if you could, I'd love to find that out, please. [LB255]

SENATOR FISCHER: And I will. I'll look through my file here and see if it's available. If it's not, I'll get back to you. This isn't an easy decision. The Public Service Commission was really the only agency within the jurisdiction of the Transportation and Telecommunications Committee that was affected by the LR542 study. Everything the Public Service Commission does is for public safety. We also looked at a limiting regulation of limousine drivers and that we felt we could not advance in good conscience due to public safety concerns. The committee as a whole was more comfortable going this route because of the railroads and how they inspect their own lines. [LB255]

SENATOR KRIST: Okay. Thank you, Senator Fischer. Thank you, Mr. President. [LB255]

SENATOR GLOOR: Thank you, Senator Krist. The Chair recognizes Senator Dubas. [LB255]

SENATOR DUBAS: Thank you very much, Mr. President and members of the body. As you can see on the committee statement, I was the other opposing vote to advancing this bill out. And my concerns weren't so much directed towards the actual inspection,

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because I do know there are a lot of inspection requirements in place either by the railroads themselves or from the federal level. My concern with the elimination of this position does go to the safety, but it also goes to the Public Service Commission, as was just mentioned by Senator Fischer, is the state's watchdog, is the state's insurance for making sure that all of the entities that fall under their purview are operated in a safe and effective manner. I've had the opportunity to interact with the state inspector on multiple occasions. I had called him with some concerns about a railroad bridge that, through the heavy rains we had this summer, had collected a lot of debris and the community was not getting an adequate response from the railroad. And with the involvement of the state inspector, was able to get that problem addressed and taken care of. I had another constituent who has a long history with railroads and was concerned about some of the conditions of some of the branch rails, and so again called the inspector. He was very accommodating in answering those questions to me, as well as to my constituent, so I think by eliminating this position we lose that state connection. We will have to go directly to the railroads or we will have to go directly to the feds to get these types of issues addressed and corrected. Another one of the points that was brought out at the hearing is if there is an accident involving a train, oftentimes it was those state inspectors who were the first ones on the scene to get things secured and taken care of. So they definitely do provide a service there. I came into the Legislature trying to address blocked railroad crossings, and quickly learned just how heavily regulated railroads are by the feds and have gained a new appreciation for why those regulations are in place. And so anything that we do try to do at the state level is, more times than not, preempted by federal regulations. So again, going back to having the Public Service Commission have some arm of interaction with the railroads that go through our state, as Senator Loudon said, we are the most heavily traveled railroad corridor in the nation as well as probably the world, and that is not going to decrease by any stretch of the imagination. It will continue to increase. And as the trains get longer and the traffic gets heavier, we have the potential for problems. And this is not saying that the railroads themselves or the feds are not going to help us deal with those problems, but by eliminating this connection at the state level it just makes it a little bit

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harder for us to make sure that our concerns are being addressed. I was not on this committee when they went through the LR542 process, but I know through the committee that I have been on that went through the LR542 process, these are actually the programs and duties that we have to examine and we have to determine whether the costs outweigh the benefits. And in my estimation, this was one of those where I felt like the costs were worth the benefits that we receive. But, you know, we're talking \$100,000 and in the grand scheme of things that's not a large amount of money, but with what we're having to look at and what we're having to deal with, we do have to look at every dollar and every dollar makes an impact and makes a difference. But what it came down to, for me, was just that contact at the state level, the responsiveness of that contact at the state level, the work that the Public Service Commission does,... [LB255]

SENATOR GLOOR: One minute. [LB255]

SENATOR DUBAS: ...the fact that our citizens--thank you, Mr. President--the fact that our citizens do have a recognition of the Public Service Commission and are able to go to them with questions and concerns. And to have those questions and concerns answered at the state level I think is something that our citizens are willing to support because it gives them that level of confidence and comfort. So for that reason, you know, I've just made my decision not to support LB255, and thank you. [LB255]

SENATOR GLOOR: Thank you, Senator Dubas. (Visitors introduced.) Senators wishing to be heard are Wallman, Price, Loudon, Hansen, and Council. Senator Wallman, you are recognized. [LB255]

SENATOR WALLMAN: Thank you, Mr. President, members of the body. Railroad tracks go through my area, and when I've had to deal with problems at intersections, very pleased with them. And inspectors or whatever you dealt with them, you get ahold of them, they work with you. So I hate to lay off dedicated employees, and also I think

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everybody here doesn't like the feds. If you deal with the feds, you're going to have to wait. It's just a waiting list. That's just the way it is. So they don't have that many inspectors to begin with, and it's a mighty fine organization we have in our United States railroads. They pay well. Good employees. I have friends that are engineers and I can always talk to them and what their concerns are. A few years ago they wanted a bill in here to have one less in the cabin. I said I would never support that and I didn't. So support our railroads. And this here, you know, if we've got to save money, I know employees cost money. But I will turn the rest of my time over to Senator Louden if he'd like. [LB255]

SENATOR GLOOR: Senator Louden, 3 minutes 45 seconds. [LB255]

SENATOR LOUDEN: Thank you, Senator Wallman, and thank you, Mr. President. When you look at the committee statement on here, you will notice that a lot of the labor unions were opposed to it. Now those are the guys that are doing the work out there. If these inspectors were such a hassle for them, they wouldn't be supporting them. And what it is, the inspectors are the ones that are looking over the shoulders of the railroads. If you leave it up to the railroads to do their own inspecting, that's, what would you say? Let the fox count the chickens. And I'm sure they would do a pretty good job because they don't want to have any more train wrecks than possible, but anyway they do have...they are issued orders from up above on some of the inspections. When we have our inspectors out there from Nebraska, we know that they're inside that state. Your federal inspectors, my understanding, there's about four of them left around. They take care of parts of Kansas, parts of Iowa, parts of Nebraska, and I don't know how fast on call any of them are if there is any kind of an issue with the railroads. But we do have the Nebraska inspectors, and the labor union people tell me that they do come through those yards on a regular basis, and that's what they're supposed to do. They don't inspect the trains. They inspect the system to see whether or not you're working safely with your railroad cars and what they're doing with them and for any issues that may be going with the mechanics on the cars, the engines, and all that. That's what your

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inspectors...that's what they have done and we've gotten by quite awhile. Now, as the federal government keeps cutting down on their money, they're going to get rid of their inspectors also. So if we don't have any and the federal government doesn't hire any more, where are you going and what do you wish to do? Are you going to let the railroads run completely whatever they do so desire, other than just their own inspections to keep their rolling stock going? You want to remember, a lot of that rolling stock on the railroads isn't owned by the railroads. It's owned by a private company, and that private company, all the railroad does, it make sure that that car will get to its next destination all in one piece. So it's up to those private companies to have those railroad cars reworked every so often. We have two yards in Alliance there, and that's all they do is bring coal cars in there and put new wheels on them trucks, brakes and pads and whatever, and that's what they do for a living in Alliance. I don't know if any of you have ever been out there, but this is a big deal, overhauling railroad cars. There will be grain cars, coal cars, or whatever. [LB255]

SENATOR GLOOR: One minute. [LB255]

SENATOR LOUDEN: But this is what our inspectors do, and this is something that we shouldn't get rid of. We're not going to be saving that much money. Besides you, when you get rid of those people, you're probably getting rid of some folks that have some experience, know what they're doing. If you have to go hire them again, then you're going to have to go into a retraining process and get them started and work them up through the ranks and everything. This just isn't good legislation to do this. Sure, it was part of the LR542 and we were supposed to do this to cut expenses. But are we actually...do we really need to cut expenses this much, in the line of sacrificing safety? And that was my question. I don't know whether this is a good place to cut for safety. There are other places that I'm sure we could come up with \$123,000 that would probably be just as much of a savings and wouldn't jeopardize any savings for the people in Nebraska. So as I said before, I don't think this is good legislation. I voted against it in committee and also I still oppose the thing on the floor. [LB255]

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SENATOR GLOOR: Time, Senator. [LB255]

SENATOR LOUDEN: Thank you, Mr. President. [LB255]

SENATOR GLOOR: Senator Price, you are recognized. [LB255]

SENATOR PRICE: Thank you very much, Mr. President and members of the body. As a member of the committee, we sat there and we listened to the testimony that was brought forward. We listened to the reasons why we have to do this, whether it was the LR542 process that dictated that. But we have to make sure we understand the process here. The railroads are responsible for the lion's share of actually performing all the testing. We've heard that. We've agreed to that. We also have heard that the inspectors inspect...they do a spot inspection of the process, not necessarily all the actual work going on. And I would be very careful how we move forward from here in that we were saying that in any way disparaging the tremendous quality of work that's done by the folks in the yards. And I would tell you also, when we said it's a spot inspection, there isn't a 100 percent inspection. We don't have 100 percent of every wheel on every track mile, 24 hours a day, 7 days a week, 365 days a year. What we do is we have what we call...what has become a reasonable allocation of responsibility between the railroad and the different inspection agencies, whether they're state and federal. There are devices that are out there that do some monitoring that help. But I believe it could almost be taken as being disingenuous to say that we have to be worried about the one accident that might, could a, should a, would a, who knows, could happen at some point in time that we have no ability to identify and that if we were to attribute that accident because of one inspector here or there. That's our straw man right there, folks. And it really pains me to hear that because accidents are just what they say they are. It's an accident. And what do you do? You do your after actions report and you hopefully look at it, saying what could we do to mitigate that issue in some future time? But to sit there and say that you can directly correlate, now, today, right here, that there will be an

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accident at some point in the future because of the action we're taking here, is disingenuous at best, so I'm very concerned about that. And with that, I would yield the balance of my time, Mr. President, to Senator Lautenbaugh if he should like to use it. [LB255]

SENATOR GLOOR: Senator Lautenbaugh, you have 2 minutes 40 seconds. [LB255]

SENATOR LAUTENBAUGH: Thank you, Mr. President, and thank you, Senator Price, for the time. I too sit on the Transportation Committee and I also voted to advance this bill out of committee. And honestly, it's one of those things that you're probably going to get tired of hearing by the end of the session, and that is: If not this, what? We all know we have to make cuts and this is one of the cuts. And if we aren't willing to do this, what are willing to do in its place has to be the question. We heard very compelling testimony in committee from Union Pacific about the measures they take and the technology they bring to bear to inspect the tracks, monitor the tracks. They are as interested in avoiding accidents as anyone. I mean it does them no good to have an accident as well. And the measures that they take are so far beyond what these individuals can do that we're talking about eliminating here that we are amply covered and amply protected without this. This is a bill that we should pass. This really doesn't even seem...didn't seem, for the committee at least, to be a very hard choice. And if we aren't willing to do this, it doesn't get much easier as we go forward. So I would urge you to vote for this bill. Thank you. [LB255]

SENATOR GLOOR: Thank you, Senator Lautenbaugh. Members, as indicated on the agenda, we now move to the 11:55 item. Mr. Clerk. [LB255]

CLERK: Mr. President, on LB51, a bill originally introduced by Senator Krist. Senator Krist had opened on his bill. I have amendments and motions pending. (AM440-443, AM445, AM447, AM449, AM450, AM452, AM453, AM457, AM458, AM460-464, AM438, AM439, Legislative Journal pages 629-632.) [LB51]

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SENATOR GLOOR: Senator Krist, would you give us a couple of minutes of update on LB51? [LB51]

SENATOR KRIST: I'd be happy to. LB51 was introduced last week. It has to do with the health clinics in the state that I don't feel have the correct supervision and oversight. You'll see this bill come back up next year. There's a motion in place and I will allow the process to go forward. It will come back because I will work on it to come back with each of you that has given me some reluctance to support it in some way or another, and we'll work out our differences and you'll see it in the Second Session of the One Hundred Second Legislature. Thank you, Mr. President. [LB51]

SENATOR GLOOR: Thank you, Senator Krist. Mr. Clerk. [LB51]

CLERK: Mr. President, then Senator Cook, I understand you want to withdraw your motion to recommit, Senator. [LB51]

SENATOR COOK: Yes, Mr. Clerk. I withdraw my motion to reconsider LB51. [LB51]

CLERK: And Senator Conrad, I understand you want to withdraw all of your amendments, Senator, is that right, at this time? [LB51]

SENATOR CONRAD: That's correct. Thank you. [LB51]

CLERK: Mr. President, Senator Krist would move to indefinitely postpone LB51. Senator Krist, you have the option to lay the bill over at this time. [LB51]

SENATOR KRIST: I'd like to lay it over, Mr. Clerk. [LB51]

SENATOR GLOOR: The bill is laid over. Items for the record, Mr. Clerk. [LB51]

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CLERK: Mr. President, new resolutions: LR115 by Senator Price; LR116 by Senator Council and others. Both those will be laid over. Amendments to be printed: Senator Wightman to LB388; Senator McGill to LB524. Senator Cornett offers a new A bill, LB389A. (Read LB389A by title for the first time.) Education, chaired by Senator Adams, reports LB283 to General File. Health and Human Services, chaired by Senator Campbell, reports LB304, LB541 to General File; and LB95 and LB431 to General File with amendments, and likewise with LB468. Priority bill designations: Senator Heidemann has selected L386; Senator Wallman, LB667; Senator Nordquist, LB558, as their priority bills. Mr. President, name adds: Senators Coash, Larson, Lautenbaugh, Fulton to LB298. [LR115 LR116 LB388 LB524 LB389A LB283 LB304 LB541 LB95 LB431 LB468 LB386 LB667 LB558 LB298]

And a priority motion. Senator Lautenbaugh would move to adjourn the body until Thursday morning, March 10, at 9 a.m.

SENATOR GLOOR: Members, you have heard the motion to adjourn until 9 a.m., Thursday morning. All in favor say aye. All opposed say nay. We are adjourned.